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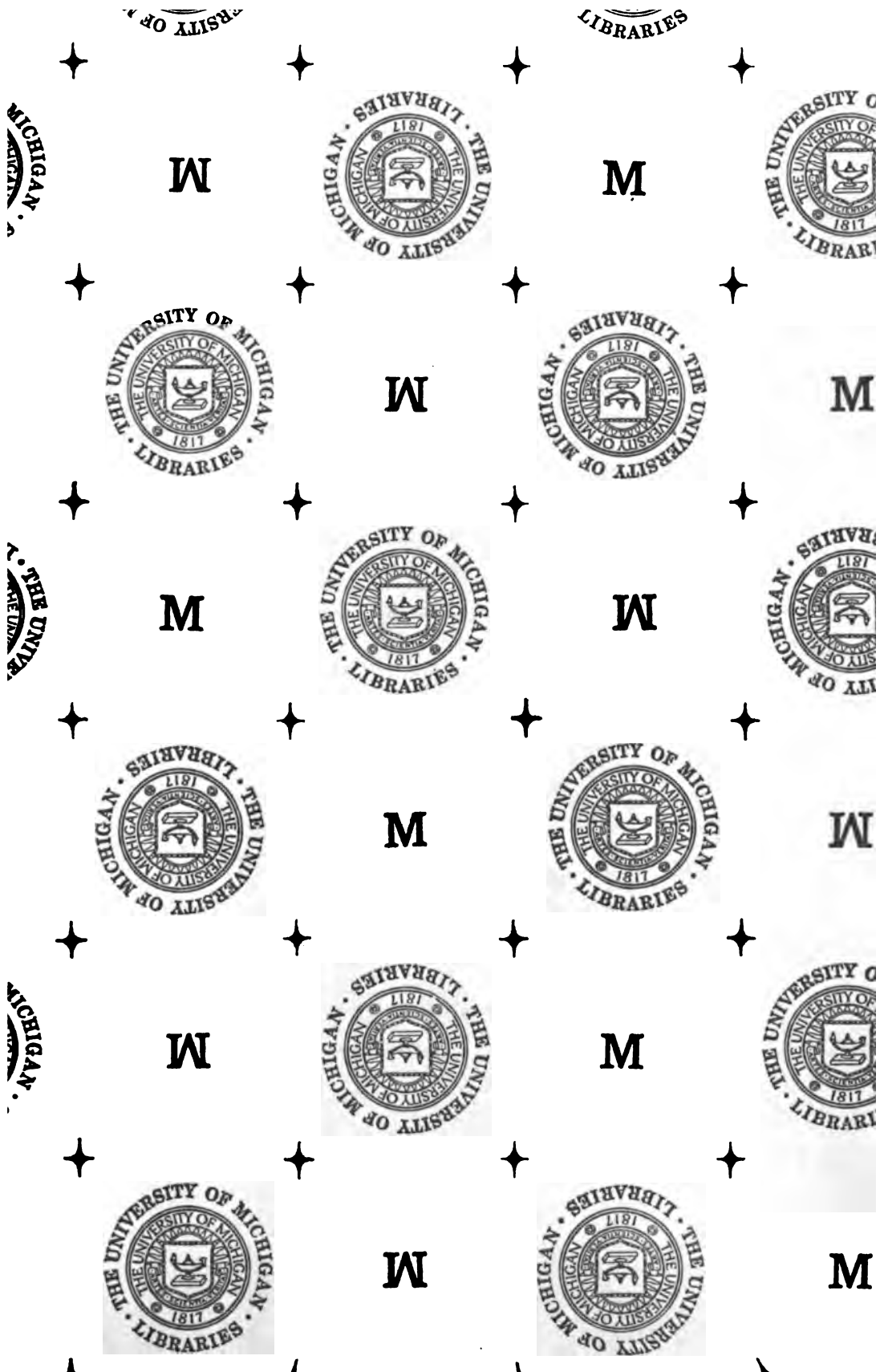
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PUBLIC ACTS
AND
JOINT AND CONCURRENT RESOLUTIONS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1891.
AND
STATE TREASURER'S REPORT FOR 1890-91.



BY AUTHORITY

LANSING
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS
1891

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NOTE—The words and sentences inclosed in brackets in the following acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the Governor. It should, however, be borne in mind that under a decision of the Supreme Court, 57 Mich., 128, "Bracketed words, which were not in the law as approved by the Governor, have no proper place in the statute."

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PUBLIC ACTS

OF

THE LEGISLATURE

1891.

PUBLIC ACTS, 1891.

[No. 1.]

AN ACT to repeal act number four hundred fifty-one of the laws of Michigan of the year one thousand eight hundred and sixty-seven, entitled "An act to provide for the protection and preservation of fish in certain lakes in the county of Cass," approved March 26, 1867, as amended by act number three hundred sixty-one of the laws of Michigan of the year one thousand eight hundred and sixty-nine, approved March 30, 1869.

SECTION 1. *The People of the State of Michigan enact,* Act repealed. That act number four hundred fifty-one of the laws of Michigan of the year one thousand eight hundred sixty-seven, entitled "An act to provide for the protection and preservation of fish in certain lakes in the county of Cass," approved March 26, 1867, as amended by act number three hundred sixty-one of the laws of Michigan of the year one thousand eight hundred sixty-nine, approved March 30, 1869, be and [the same] is hereby repealed.

This act is ordered to take immediate effect.

Approved January 20, 1891.

[No. 2.]

AN ACT to amend section one of act number four hundred fifty of the laws of Michigan of the year one thousand eight hundred seventy-one, entitled "An act to provide for the protection and preservation of fish in certain lakes of Cass and Berrien counties," approved April 15, 1871.

SECTION 1. *The People of the State of Michigan enact,* Act amended. That section one of act number four hundred fifty of the laws of Michigan, of the year one thousand [eight hundred] seventy-one, entitled "An act to provide for the protection and preservation of fish in certain lakes of Cass and Berrien

PUBLIC ACTS, 1891.

[No. 1.]

AN ACT to repeal act number four hundred fifty-one of the laws of Michigan of the year one thousand eight hundred and sixty-seven, entitled "An act to provide for the protection and preservation of fish in certain lakes in the county of Cass," approved March 26, 1867, as amended by act number three hundred sixty-one of the laws of Michigan of the year one thousand eight hundred and sixty-nine, approved March 30, 1869.

SECTION 1. *The People of the State of Michigan enact,* Act repealed.
That act number four hundred fifty-one of the laws of Michigan of the year one thousand eight hundred sixty-seven, entitled "An act to provide for the protection and preservation of fish in certain lakes in the county of Cass," approved March 26, 1867, as amended by act number three hundred sixty-one of the laws of Michigan of the year one thousand eight hundred sixty-nine, approved March 30, 1869, be and [the same] is hereby repealed.

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Approved January 20, 1891.

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PUBLIC ACTS, 1891.

[No. 1.]

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SECTION 1. *The People of the State of Michigan enact,* Act repealed.
That act number four hundred fifty-one of the laws of Michigan of the year one thousand eight hundred sixty-seven, entitled "An act to provide for the protection and preservation of fish in certain lakes in the county of Cass," approved March 26, 1867, as amended by act number three hundred sixty-one of the laws of Michigan of the year one thousand eight hundred sixty-nine, approved March 30, 1869, be and [the same] is hereby repealed.

This act is ordered to take immediate effect.

Approved January 20, 1891.

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AN ACT to amend section one of act number four hundred fifty of the laws of Michigan of the year one thousand eight hundred seventy-one, entitled "An act to provide for the protection and preservation of fish in certain lakes of Cass and Berrien counties," approved April 15, 1871.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That section one of act number four hundred fifty of the laws of Michigan, of the year one thousand [eight hundred] seventy-one, entitled "An act to provide for the protection and preservation of fish in certain lakes of Cass and Berrien

counties," approved April 15, 1871, be and the same is hereby amended so as to read as follows:

Unlawful to fish
in certain man-
ner, etc.

Proviso.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful to capture, kill, or destroy any fish in any lake in the township of Watervliet in the county of Berrien: *Provided,* That fishing with a hook and line shall not be deemed unlawful between the first day of May and November in each year.

This act is ordered to take immediate effect.

Approved January 20, 1891.

[No. 3.]

AN ACT making an appropriation for the current and running expenses of the Michigan Mining School, until the general appropriation for that purpose shall be available.

Appropriation.

SECTION 1. *The People of the State of Michigan enact,* That there be and is hereby appropriated for the Michigan Mining School, out of any money in the treasury, not otherwise appropriated, the sum of seven thousand dollars for the purpose named in section two of this act.

When available
and purpose of.

SEC. 2. Said money, hereby appropriated, shall be immediately available, and shall be used for the purpose of paying current and running expenses of said school from January first, one thousand eight hundred ninety-one until the regular and ordinary appropriation for that purpose shall be made available, and the sum hereby appropriated shall be deducted from the gross amount which would otherwise be appropriated for the current and running expenses of said school for the year one thousand eight hundred ninety-one.

Amount to be
deducted from.

This act is ordered to take immediate effect.

Approved January 23, 1891.

[No. 4.]

AN ACT to provide for ceding to the United States of America exclusive jurisdiction over the site and grounds selected for the erection of a public building for the use of the United States postoffice and for other public purposes in the city of Lansing, Michigan, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan, and the service of civil and criminal process therein.

Territory ceded
to United States.

SECTION 1. *The People of the State of Michigan enact,* That the State of Michigan hereby cedes to the United

States exclusive jurisdiction over the site and grounds heretofore acquired by the United States by condemnation, for the erection of a public building for a United States post-office and other necessary public uses in the city of Lansing, within the State of Michigan. Said site being known and described as lots, number six and seven, block one hundred and one, according to the recorded plat of the town of Michigan, now city of Lansing aforesaid. Said exclusive jurisdiction to continue during the time, or so long as the title to said property shall be and remain in the United States; for all purposes except the administration of the criminal laws of the State of Michigan, and the service of civil and criminal process therein. Purpose of. Exception.

This act is ordered to take immediate effect.

Approved January 21, 1891.

[No. 5.]

AN ACT to amend section one thousand eight hundred seventeen of the compiled laws of one thousand eight hundred seventy-one, as amended by act two hundred sixty-one of the public acts of one thousand eight hundred eighty-one, as amended by act seventy-seven of the public acts of one thousand eight hundred eighty-five, as amended by act two hundred forty-four of the public acts of one thousand eight hundred eighty-seven and act two hundred seventy-three of the public acts of one thousand eight hundred eighty-seven, the same being section one thousand seven hundred fifty-six, volume three, of Howell's Annotated Statutes, and relating to the support of the poor by the public.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one thousand eight hundred seventeen of the compiled laws of one thousand eight hundred seventy-one, as subsequently amended by act two hundred sixty-one of the public acts of one thousand eight hundred eighty-one, act seventy-seven of the public acts of one thousand eight hundred eighty-five, act two hundred forty-four of the public acts of one thousand eight hundred eighty-seven, and act two hundred seventy-three of the public acts of one thousand eight hundred eighty-seven, the same being section one thousand seven hundred fifty-six of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

SEC. 2. It shall be the duty of the supervisors of each county at their annual meeting in the year eighteen hundred and sixty-nine to appoint three discreet electors of such county to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years, and at their annual session in each year thereafter they shall appoint one superintendent, who shall hold his office for the term of three years, and until Supervisors to appoint superintendents of the poor. Term of office.

When to commence.	his successor is appointed and qualified; but the term of office of each and every superintendent so appointed and qualified after the passage of this act, shall commence on the first day of January next succeeding his appointment, and one at least of the superintendents so appointed shall be a resident of the place where the county seat is located: <i>Provided</i> , That in case of a vacancy caused by the death or removal of either of said superintendents, or otherwise, the said vacancy may be temporarily filled by an appointment made by the judge of probate of such county by an order duly entered upon the record of his court upon petition of the remaining members of said board of superintendents showing such vacancy, and that the board of supervisors is not then in session, and [by an order duly entered upon the record of his court,] which superintendent so appointed shall hold office until the next meeting of the board of supervisors. The supervisors shall, at their first meeting held after such vacancy occurs, appoint a successor for the unexpired term. Before entering upon the duties of his office each superintendent shall take the oath of office prescribed in the eighteenth article of the constitution and file the same in the office of the county clerk.
Proviso relative to vacancies.	
	This act is ordered to take immediate effect. Approved February 4, 1891.

[No. 6.]

AN ACT to create the thirtieth judicial circuit, providing for the holding of courts therein, and for the employment, duties, and compensation of a stenographer for said circuit.

Territory.	SECTION 1. <i>The People of the State of Michigan enact</i> , That the counties of Ingham and Livingston shall constitute the thirtieth judicial circuit.
Office of circuit judge, how filled.	SEC. 2. The office of circuit judge of the thirtieth judicial circuit shall be filled by appointment by the Governor. The person appointed shall hold the office until the spring election to be held on the first Monday in April in the year eighteen hundred and ninety-one. At the spring election to be held on the first Monday in April, eighteen hundred and ninety-one, the qualified voters of the counties of Ingham and Livingston shall elect a circuit judge for said circuit, who shall hold his office until the first day of January in the year eighteen hundred and ninety-four, and until his successor is elected and qualified. The sheriffs of the counties of Ingham and Livingston shall, at least thirty days before the first Monday in April in the year eighteen hundred and ninety-one, notify the township clerk of each township in said counties and the inspectors of election in any city in said counties of said election of circuit judge, and said town-
Term of office.	
Notice of election, etc.	

ship clerks and inspectors of election shall post notices thereof in the usual manner of posting election notices, at least ten days previous to said election. Said election shall be conducted and return therefor made in the manner provided by law for the election of circuit judges, and the State board of canvassers shall, upon receiving returns of said election canvass the votes, and deliver to the person elected a copy of their determination and certificate of election.

SEC. 3. Court shall be held in said circuit in the year eighteen hundred and ninety-one, as already appointed by the judges of the fourth and seventh judicial circuits and all the provisions of "An act requiring certain of the regular terms of the circuit court for the county of Ingham and until his successor is elected and qualified to be hereafter held within the city of Lansing, approved May 11, 1883," shall remain and continue in force after this act shall take effect.

SEC. 4. The Governor, upon [the] recommendation of the circuit judge of said circuit, by him appointed, shall appoint an official stenographer for said circuit, who shall be deemed an officer of said court, and who shall, before entering upon the discharge of his duties, take, subscribe, and file with the clerk of said court, the constitutional oath of office, said oath to be administered by the circuit judge of said circuit.

SEC. 5. The stenographer of said circuit shall hold office during the pleasure of the Governor; he may be suspended for misconduct, by the court, or in case of the death or resignation of the stenographer, or his inability to perform the duties of his office, the office shall be vacant, and it shall be the duty of the Governor, upon receiving notice of the facts, upon the recommendation of the circuit judge, to fill said office by appointment. But if said stenographer shall be temporarily incapacitated by sickness or absence, the circuit judge may appoint some competent person to act in his place.

SEC. 6. Said stenographer shall receive [the] an annual salary of fifteen hundred dollars to be paid monthly out of the county treasuries of said counties of Ingham and Livingston in proportion to the number of suits, law and chancery, entered and commenced in said circuit for such counties respectively the preceding year upon the order of the clerks of each of said counties. Said clerks being hereby authorized and directed to draw such orders, and the county treasurer to pay the same upon presentation. And it shall be the duty of the circuit judge on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit on the basis aforesaid.

SEC. 7. In each and every issue of fact tried or heard before said court or jury, the sum of three dollars shall be paid by the parties thereto, in equal proportions, to the clerk of said court, and the same shall be paid by said clerk to the

Terms and places
of holding court.

Appointment of
stenographer

Official oath.

Term of office,
etc.

When judge may
appoint.

Salary, how ap-
portioned be-
tween counties.

Fees charged in
issues of fact,
etc.

How taxed.	county treasurer to apply upon the salary of said stenographer. The amount so paid may be taxed as costs by the prevailing party.
Duties.	SEC. 8. It shall be the duty of said stenographer to attend upon the court, at each term, under the direction of the court, and to take full phonographic notes of the testimony and other proceedings in the trial of cases. In case counsel for either party to any suit or proceeding shall desire a transcript of the whole or a part of the testimony or proceedings in any case, for the purpose of moving for a new trial, or removing it to the Supreme Court, it shall be the duty of the stenographer reporting said testimony or proceedings to furnish the same within such time as the judge who heard said cause or proceeding shall direct, and he shall be entitled to receive therefor from the party requiring it, the sum of six cents a folio for each folio so transcribed, except that if both parties desire said testimony, or more than one copy is desired, he shall furnish all copies after the first at the rate of two cents a folio. The money so paid the stenographer shall be recovered as a part of the taxable costs of the party on said motion, or in the Supreme Court, if such party recover costs. The court may direct a transcript of the testimony and proceedings upon any trial to be made and filed by the stenographer without cost to either party. All such transcripts shall be deemed the official record of the court.
Transcript of testimony to be furnished.	
Fees for transcript, when to be taxed.	
When transcript to be furnished without fees.	
Not necessary for charge of court to be in writing.	SEC. 9. In cases tried in said circuit in which said stenographer shall be employed, it shall not be necessary for the charge of the court to be in writing as provided by an act, entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts," being act number sixty-seven of the session laws of one thousand eight hundred sixty-nine, approved March 26, 1869. This act is ordered to take immediate effect. Approved February 12, 1891.

[No. 7.]

AN ACT to amend section ten of act number forty-nine of the public acts of one thousand eight hundred seventy-five, entitled "An act to provide for a municipal court in the city of Grand Rapids to be called 'The Superior Court of Grand Rapids,'" approved March 24, 1875, the same being compiler's section six thousand five hundred seventy-three of Howell's Annotated Statutes of Michigan, relating to the salary of the clerk of the superior court.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section ten of act number forty-nine of the public acts of one thousand eight hundred seventy-five, entitled "An

act to provide for a municipal court in the city of Grand Rapids, to be called 'The Superior Court of Grand Rapids,' approved March 24, 1875, the same being compiler's section six thousand five hundred seventy-three of Howell's Annotated Statutes of Michigan, be and the same is hereby amended to read as follows:

(§6573.) SEC. 10. The clerk of said court shall receive ^{Salary} an annual salary of one thousand two hundred dollars, to be paid by the city of Grand Rapids upon the order of the common council, in quarterly installments, and said sum shall be in full of all clerk's fees or perquisites of every kind and nature, and of services rendered in any cause pending or determined in said court.

This act is ordered to take immediate effect.

Approved February 16, 1891.

[No. 8.]

AN ACT to amend section eighteen of chapter one hundred and fourteen of the revised statutes of eighteen hundred and forty-six, entitled "Of proceedings against debtors by attachment," being compiler's section eight thousand and three of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* ^{Section amended.} That section eighteen, chapter one hundred and fourteen of the revised statutes of eighteen hundred and forty-six, entitled "Of proceedings against debtors by attachment," being compiler's section eight thousand and three of Howell's Annotated Statutes, be amended so as to read as follows:

SEC. 18. If it appear by the return of such writ that any property has been attached thereon, and that neither of the defendants could be found, the plaintiff shall, within thirty days after such return, unless the defendants or some of them shall sooner appear in the suit, cause a notice to be published in some newspaper printed in the county for which said circuit court is held, and if no newspaper is printed in said county then in some newspaper printed in the judicial circuit in which such writ shall be returned, which notice shall state the names of the parties, the time when, and from what court, and for what sum the writ was issued and when the same was returnable, and shall be published for six successive weeks, and within ten days after such publication has begun the plaintiff or some person in his behalf shall make and file an affidavit stating that such publication has commenced, when commenced and in what newspaper giving the name thereof and where published and file said affidavit with the clerk of said circuit court, and if any plaintiff shall neglect to cause such notice to be so published or to make and file such affidavit as required in this section, ^{Notice to be published when defendant not found, etc.} ^{What to state.} ^{Affidavit, when filed, contents of, etc.}

Proviso. the attachment shall be dismissed with costs: *Provided*, That such affidavit may be filed or amended in the discretion of the court at any time before the order of dismissal shall actually be made, on such terms as the court may impose.
Approved February 18, 1891.

[No. 9.]

AN ACT to repeal all of act number two hundred fifty-four of the public acts of one thousand eight hundred eighty-nine, being an act relative to the election of Representatives to the State Legislature in districts where more than one is to be elected.

Act repealed. SECTION 1. *The People of the State of Michigan enact*, That all of act number two hundred fifty-four of the public acts for the year one thousand eight hundred eighty-nine, approved July 3, 1889, be and the same is hereby repealed.
Approved February 18, 1891.

[No. 10.]

AN ACT to amend sections one, twelve, twenty-seven, twenty-eight and fifty-two of act number two hundred and five of the public acts of eighteen hundred and eighty-seven, entitled "An act to revise the laws authorizing the business of banking, and to establish a banking department for the supervision of such business."

Sections amended. SECTION 1. *The People of the State of Michigan enact*, That sections one, twelve, twenty-seven, twenty-eight and fifty-two of act number two hundred and five of the public acts of one thousand eight hundred eighty-seven, entitled "An act to revise the laws authorizing the business of banking and to establish a banking department for the supervision of such business," be and the same are hereby amended so as to read as follows: That any number of persons, not less than five, may associate to establish offices of discount and deposit to be known as commercial banks, and also to establish offices of loan and deposit to be known as savings banks, or to establish banks having departments for both classes of business, upon the terms and conditions and subject to the liabilities prescribed in this act, but the aggregate amount of the capital stock of any such bank shall not be less than one hundred thousand dollars, except that banks with a capital of not less than fifteen thousand dollars may

Association for establishing banks, etc.

Capital stock.

be organized in a city or village, the population of which does not exceed one thousand five hundred inhabitants, and banks with a capital of not less than twenty-five thousand dollars in a city or village, the population of which does not exceed five thousand inhabitants, and with a capital of not less than fifty thousand dollars in a city or village the population of which does not exceed twenty thousand inhabitants. No bank shall take as security for any loan or discount a lien upon any part of its capital stock. The same security in kind and amount shall be required of stockholders and of persons not stockholders. No bank shall be the holder or purchaser of any portion of its capital stock unless such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith. Stock so purchased shall in no case be held by the bank for a longer time than six months, if the stock can be sold for what it cost, and it must be sold for the best price obtainable within one year, or cancelled as hereinafter provided for the reduction of capital stock: *Provided*, That the provisions of this act as to the amount of capital shall not apply to any bank now organized and doing business at the time of the passage of this act.

Security required for loan, etc.

Bank not to hold stock, etc.

Proviso as to amount of capital stock.

SEC. 12. The affairs of each bank shall be managed by a board of not less than five directors, who shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified. A majority of the board of directors shall constitute a quorum for the transaction of business: *Provided*, That when the number of directors shall exceed nine, they shall once in three months designate by resolution nine members, any five of whom shall constitute a quorum. In the first instance the directors shall be elected at a meeting held before the bank is authorized to commence business by the commissioner, and afterwards at the annual meeting of the stockholders to be held on the second Tuesday in December of each year; and if for any cause an election is not had at that meeting it may be held at a subsequent meeting called for that purpose, of which due notice shall be given as provided in the by-laws adopted by such bank. At a meeting of stockholders for election of directors each share shall entitle the owner to one vote for each director, but no stockholder shall be entitled to vote who is indebted to the bank upon any obligation past due. A stockholder may vote at any meeting of the corporation by a proxy in writing signed by him, but no officer, clerk, teller or book-keeper of such corporation shall act as proxy. Every director must own and hold in his own name not less than ten shares of the capital stock of such bank; except that in banks having a capital of fifteen thousand dollars, a director must own and hold in his own name not less than five shares of the capital stock of such bank. He shall take and subscribe an oath that he will diligently and honestly perform his duties

Affairs to be managed by board of directors, election of, etc.

Proviso.

First and subsequent election of directors.

Who entitled to vote.

Proxy.

Who may be directors, oath of, etc.

in such office, and will not knowingly violate, or permit to be violated, any provision of this act; that he is the owner in good faith of stock of the bank, as required to qualify him for such office, standing in his name on the books of the bank, and that such stock is not pledged as security for any debt; such oath shall be transmitted to the commissioner and filed in his office. Any vacancy in the board of directors shall be filled by the board, and the directors so appointed shall hold office until the next election.

Reserve to
be kept.

Balance, how
invested.

Proviso as to
bonds of other
states.

Other bonds,
etc.

Proviso as to
debt of munic-
ipalities.

Limit of deposit
in any one bank.

Proceedings
when reserve
falls below fif-
teen per cent.

SEC. 27. A savings bank shall keep on hand at least fifteen per cent of its total deposits, one-third of which reserve shall be in lawful money in its own vaults, and the balance on deposit payable on demand with banks, national or State, in cities approved by the commissioner as reserve cities or invested in United States bonds; three-fifths of the remainder of its savings deposits shall be invested by the board of directors in bonds of the United States or of this State, or in the bonds of any other State of the United States: *Provided*, That such State has not in the ten years preceding the time of such investment, repudiated its debt and failed to pay the same or the interest due thereon or upon any part of such debt; or in the public debt or bonds of any city, county, township, village or school district of any State in the United States which shall have been authorized by the legislature of such State: *Provided*, The total indebtedness of such municipality does not exceed five per cent of its assessed valuation, except by a vote of two-thirds of the board of directors, such bonds may be purchased if the total liabilities do not exceed ten per cent of its assessed valuation, or loan the same upon negotiable paper secured by any of the above mentioned classes of security; or upon notes, or bonds, secured by mortgage lien upon unincumbered real estate worth at least double the amount loaned; the remainder of such deposits may be invested in notes, bills or other evidences of debt, the payment of which is secured by the deposit of collateral security consisting of personal property, of known marketable value, worth ten per cent more than the amount so loaned and interest for the time of the loan; or may be deposited in any national bank, trust company, or bank in cities in this or any other State approved by the Commissioner of the Banking Department as reserve cities; and a portion of said remainder, not exceeding the capital and additional stockholders' liability, may be invested in negotiable paper approved by the board of directors, but the deposits in any one bank shall not exceed ten per cent of the total deposits, capital and surplus of the depositing bank. In case the actual reserve shall fall below the fifteen per cent above provided, the bank shall promptly, and in good faith, take measures to restore and maintain its lawful reserve, in default of which the Commissioner of the Banking Department shall require such restoration within thirty days after

notice, and a failure to comply with such demand shall warrant proceedings to wind up the bank, as provided in section six of this act.

SEC. 28. A pass-book shall be issued to each depositor in the savings department, containing the rules and regulations adopted by the board of directors governing such deposits, in which book shall be entered each deposit made by, and each payment made to, such depositor, and no payment or check against any such savings account shall be made unless accompanied by and entered in the pass-book issued therefor, except for good cause and on assurances satisfactory to the officers of the bank. Nothing in this section shall prevent savings banks issuing time certificates of deposit or certificates of deposit specifically issued subject to the rules and regulations governing savings deposits.

Pass-book,
contents and
use of, etc.

SEC. 52. The total liabilities of any bank or any person or of any company, corporation or firm for money advanced, including in the liabilities of the company or firm the liabilities of the several members thereof, except special partners, shall at no time exceed one-tenth part of the amount of the capital and surplus of such bank; but the discount of bills of exchange drawn in good faith against actually existing values and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed: *Provided, however,* That the foregoing limitations shall not apply to loans upon real estate or other collateral securities authorized by this act: *Provided further,* That by a two-thirds vote of the directors the liabilities of any bank or any person or company or corporation or firm, may be increased to a sum not exceeding one-fifth of the capital and surplus of the bank.

Liabilities of
banks, etc., for
money, etc.,
limited.

Proviso.

Further proviso

This act is ordered to take immediate effect.

Approved February 26, 1891.

[No. 11.]

AN ACT to amend section thirty-five of chapter ninety-five of the revised statutes of one thousand eight hundred forty-six, being compiler's section five thousand six hundred twenty-nine of the compiled laws of one thousand eight hundred seventy-one, the same being section seven thousand one hundred eighty of Howell's Annotated Statutes, relative to attorneys, solicitors, and counselors.

SECTION 1. *The People of the State of Michigan enact,* That section thirty-five of chapter ninety-five of the revised statutes of one thousand eight hundred forty-six, being section five thousand six hundred twenty-nine of the compiled laws of one thousand eight hundred seventy-one, the same

Section
amended

being section seven thousand one hundred eighty of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Effect of removal
or suspension,
etc.

(§7180.) SEC. 35. The removal or suspension of any attorney, solicitor or counselor by any court of competent jurisdiction, shall operate as a removal or suspension in every court of this State, and any person so removed or suspended, who shall, while such disability exists, hold himself out to the public or represent himself to any person as authorized to practice in any of the courts of this State, or who shall practice or attempt to practice, or appear as attorney, solicitor or counsel for any party other than himself in any of said courts, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail not more than three months, or by both such fine and imprisonment, in the discretion of the court.

Approved March 12, 1891.

[No. 12.]

AN ACT to amend section three of act number two hundred fifty-eight of the session laws of one thousand eight hundred forty-nine, entitled "An act to amend chapter ninety-four of the revised statutes in relation to criminal proceedings," the same being section five thousand five hundred fifty-five of the compiled laws of one thousand eight hundred seventy-one, and section seven thousand one hundred twenty-three of Howell's Annotated Statutes.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section three of act number two hundred fifty-eight of the session laws of one thousand eight hundred forty-nine, entitled "An act to amend chapter ninety-four of the revised statutes in relation to criminal proceedings," the same being section five thousand five hundred fifty-five of the compiled laws of one thousand eight hundred seventy-one and section seven thousand one hundred twenty-three of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Service and re-
turn to certio-
rari.

(§7123.) SEC. 3. The writ of *certiorari* and affidavit shall be served upon the justice before whom such conviction was had, within ten days after said allowance, and the justice shall make a return to all the matters specified in such affidavit, and shall cause such writ, affidavit and return to be filed in the office of the county clerk of the county within ten days after the service of such writ.

This act is ordered to take immediate effect.

Approved March 12, 1891.

[No. 13.]

AN ACT to amend section three of act one hundred thirty-five of the session laws of one thousand eight hundred sixty-seven, entitled "An act for the incorporation of industrial and other charitable schools," the same being section four thousand six hundred of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section three of act number one hundred thirty-five of the session laws of one thousand eight hundred sixty-seven be and the same is hereby amended so as to read as follows:

SEC. 3. The affairs of such corporation shall be managed Number of trustees.
by not less than five nor more than fifty trustees, to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof except the treasurer and secretary, shall form a part of said trustees, and the treasurer and secretary shall be chosen from said trustees. The officers may be chosen How officers are chosen.
by said trustees, or by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by such trustees, who may change them at their pleasure. A majority of the trustees shall be a quorum Majority of trustees a quorum.
to transact business, and all of such trustees shall be citizens of the United States, and residents of the state of Michigan.

This act is ordered to take immediate effect.

Approved March 12, 1891.

[No. 14.]

AN ACT to provide for the appointment of an assistant prosecuting attorney for the county of Saginaw, and to prescribe his duties and powers.

SECTION 1. *The People of the State of Michigan enact,* Appointment of assistant prosecuting attorney.
That the prosecuting attorney of the county of Saginaw is hereby authorized and empowered to appoint an assistant prosecuting attorney for Saginaw county, which appointment shall be in writing and filed with the clerk of said county.

SEC. 2. Said assistant prosecuting attorney shall hold his Term of office.
office during the pleasure of the prosecuting attorney of said county.

SEC. 3. The salary of said assistant prosecuting attorney Salary.
shall be one thousand dollars per annum, to be paid monthly by the treasurer of said county out of the funds of said county.

SEC. 4. Said assistant prosecuting attorney may sign and Duties.
verify informations, and shall perform all the duties required by law of the prosecuting attorney during the sickness, absence

or other disability of the prosecuting attorney. He shall also perform such other duties as may be required of him by the prosecuting attorney, and shall be subject to all the disqualifications and disabilities of the prosecuting attorney in other cases, and shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State, and file the same, together with his acceptance, with the county clerk of said county.

Official oath.

Official acts valid. SEC. 5. All official acts of said assistant prosecuting attorney within the scope of the duties of the prosecuting attorney and the powers granted by this act, shall be *prima facie* valid.

Revocation of appointment to be filed. SEC. 6. In case of removal the prosecuting attorney of said county shall file with the clerk of said county a revocation of such appointment.

This act is ordered to take immediate effect.

Approved March 12, 1891.

[No. 15.]

AN ACT to prevent the spread of dangerous communicable diseases, by providing for the punishment of willful offenders.

Persons affected with communicable diseases prohibited from entering public places, etc.

SECTION 1. *The People of the State of Michigan enact,* That no person affected with small-pox, diphtheria or scarlet fever, shall willfully enter a public place or a public conveyance, nor shall in any way willfully subject another person to danger of contracting such disease; no person shall knowingly and willfully take, aid in taking, or cause to be taken, a child or other irresponsible person, while affected with any of the aforesaid diseases, into a public place or public conveyance, nor in any way knowingly and willfully subject another person to danger of contracting any one of the aforesaid diseases from such child or irresponsible person; no person shall knowingly and willfully subject another person to danger of contracting any of the aforesaid diseases from the body of a person deceased therefrom; no person shall in any way knowingly and willfully expose, aid in exposing, or cause to be exposed a child or other irresponsible person, to danger of contracting any one of the aforesaid diseases: *Provided,* That this section shall not apply to necessary transportation of patients suffering from such diseases in proper vehicles provided for such purposes.

Proviso.

Violation a misdemeanor, penalty.

SEC. 2. Whoever shall violate any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than twenty days, nor more than ninety days.

Approved March 27, 1891.

[No. 16.]

AN ACT to amend sections one and two of act number two hundred sixty-one of the public acts of one thousand eight hundred and fifty-nine, entitled "An act to require railroad corporations within this State to cut and destroy the noxious weeds which grow on the land occupied by them," being sections two thousand three hundred and seventy-six and two thousand three hundred and seventy-seven compiled laws of one thousand eight hundred and seventy-one, and sections three thousand four hundred and forty-three and three thousand four hundred and forty-four of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one and two of act number two hundred and sixty-one of the public acts of eighteen hundred and fifty-nine, entitled "An act to require railroad corporations within this State to cut and destroy the noxious weeds which grow on the land occupied by them," the same being sections two thousand three hundred and seventy-six, and two thousand three hundred and seventy-seven, compiled laws of eighteen hundred and seventy-one; and sections three thousand four hundred and forty-three, and three thousand four hundred and forty-four of Howell's Annotated Statutes of Michigan, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Shall destroy noxious weeds.
That all railroad corporations doing business in this State shall, each year, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August, and the first day of September, cause all noxious weeds growing upon lands occupied by them in any city, village, or organized township in this State to be cut down and destroyed.

SEC. 2. In case any railroad company shall refuse or neglect to comply with the requirements specified in the first section of this act, then it shall be lawful for any highway officer to cut said noxious weeds, between the first and fifth days of July, inclusive, and between the first and fifth days of September, inclusive, in each year, at the expense of the corporation on whose lands said noxious weeds shall be so cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this State.

Approved March 27, 1891.

[No. 17.]

AN ACT authorizing and directing the Commissioner of the Land Office to remit the appraised improvements on a certain parcel of primary school land in the township of Crockery, county of Ottawa, State of Michigan.

Appraisal of
improvements
remitted.

SECTION 1. *The People of the State of Michigan enact,* That the Commissioner of the Land Office of the State of Michigan be and is hereby directed to remit the sum of fifty dollars appraised as improvements upon the following described parcel of primary school land situate and being in the township of Crockery, county of Ottawa, and State of Michigan, and described as follows: The northwest quarter of the southwest quarter of section sixteen, of town eight north, of range fifteen west.

This act is ordered to take immediate effect.

Approved March 27, 1891.

[No. 18.]

AN ACT to amend an act entitled "An act to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties, and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved April twelfth, eighteen hundred and seventy-one," approved April fifteenth, eighteen hundred and seventy-three, by adding a new section thereto to stand as section twenty-three.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That an act entitled "An act to provide for the incorporation of mutual fire insurance companies and defining their powers and duties and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved April twelfth, eighteen hundred and seventy-one," approved April fifteenth, eighteen hundred and seventy-three, the said act being chapter one hundred and thirty-two of Howell's Annotated Statutes, be and the same is hereby amended by adding a new section thereto, to stand as section twenty-three and to read as follows:

Mutual fire
insurance com-
panies may
extend their cor-
porate existence.

SEC. 23. Any mutual fire insurance company of this State having no capital stock and lawfully doing business at the time this section shall take effect, or organized under the act of which this is amendatory, may at any time within two years next preceding the expiration of its charter, by a two-thirds vote of the members present at any annual meet-

ing, or at any special meeting called for the purpose, determine to extend its corporate existence for a period not exceeding thirty years from the date of the expiration of its charter and thereupon the corporate existence of said mutual fire insurance company shall be extended as so determined, and such determination shall be deemed a reorganization of such company, and it shall succeed to all the rights and be subject to all the liabilities of the corporation so reorganized, and it shall not be necessary to change the policies or books or mode of the doing of the business of the said company: *Provided*, That a statement of the proceedings to reorganize such company by the making of such determination, duly certified by the officers of the meeting so determining, shall be presented to the Attorney General for his approval and be approved by him and such certified proceedings and approval be filed in the office of the Commissioner of Insurance of this State before the expiration of the term of the corporate existence of such mutual fire insurance company: *And provided further*, That a written or printed notice of such determination shall be mailed to each member of said company at least sixty days before the expiration of the charter, and that it shall be the right of any member of the company who shall give notice to the secretary before the time of the expiration of said charter, to withdraw from said company at that time, he remaining liable for his equitable share of the losses incurred to that date or entitled to his equitable share of any surplus fund which, after the payment of all debts and liabilities to that date, may remain in the hands of the treasurer of the company, as the case may be.

Deemed a re-
organization.

Provide as to
proceedings to
reorganize.

Further provide.

Ordered to take immediate effect.

Approved March 28, 1891.

[No. 19.]

AN ACT making an appropriation for the current expenses of the Michigan Soldiers' Home and other expenses necessary to the maintenance and improvement thereof for the years one thousand eight hundred ninety-one and one thousand eight hundred ninety-two.

SECTION 1. *The People of the State of Michigan enact*, Appropriation. That there be and hereby is appropriated from the general fund the sum of one hundred seventy-five thousand seven hundred and fifty dollars, for the current expenses of the Michigan Soldiers' Home and other expenses necessary to the maintenance and improvement thereof, for the years eighteen hundred and ninety-one, and eighteen hundred and ninety-two: *Provided*, That of the amount hereby appropriated it shall not be lawful for the board of managers to draw a sum exceeding ninety-one thousand dollars in the year Provide.

	eighteen hundred ninety-one, and the sum of eighty-four thousand seven hundred fifty dollars in the year eighteen hundred ninety-two.
For what purposes to be expended.	SEC. 2. The amount thus appropriated and allowed to be drawn for the year eighteen hundred and ninety-one shall be expended as follows: For the improvement of grounds, four thousand dollars; for repairs of building and contingent expenses, three thousand two hundred fifty dollars; for furniture and furnishings, one thousand dollars; for purchase of library books, two hundred fifty dollars; for subsistence, salaries and other expenses necessary to the maintenance of said Home the sum of eighty-two thousand five hundred dollars.
Idem.	SEC. 3. The amount thus appropriated and allowed to be drawn for the year eighteen hundred and ninety-two shall be expended as follows: For repairs of building and contingent expenses, one thousand two hundred and fifty dollars; for furniture and [furnishings] furnishing one thousand dollars; for subsistence, salaries and other expenses necessary to [the] maintenance of said Home the sum of eighty-two thousand five hundred dollars.
How drawn.	SEC. 4. The amounts thus appropriated for the years eighteen hundred ninety-one and eighteen hundred and ninety-two shall be drawn upon proper requisition when needed: <i>Provided</i> , That the total drawn in any one year, shall not exceed the amount allowed for that period.
Proviso.	
Sums received from general government.	SEC. 5. The [sums] sum hereafter received from the general government for all allowances for [periods] period after January first, eighteen hundred ninety-one, shall be covered into the State treasury and credited to the general fund.
Sums to be included in State taxes.	SEC. 6. The Auditor General shall add to and incorporate in the State taxes for the year eighteen hundred ninety-one the sum of ninety-one thousand dollars, and for the year eighteen hundred and ninety-two, the sum of eighty-four thousand seven hundred fifty dollars to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums when collected shall be passed to the credit of the general fund to reimburse the amounts appropriated under the provisions of this act.
	This act is ordered to take immediate effect.
	Approved April 2, 1891.

[No. 20.]

AN ACT to provide for the continuance of the recompilation and copying of the records in the office of the Adjutant General pertaining to the enlistment, muster, history, and final disposition of the soldiers from this State during the war of the rebellion, and to make an appropriation therefor.

SECTION 1. *The People of the State of Michigan enact,*

That the Adjutant General is hereby authorized and directed to provide suitable books [and] to recompile and copy from papers now on file in his office, or from such other official papers as he may obtain, the military history of each and every soldier who enlisted from and was credited to this State during the war of the rebellion. Such history shall show, as far as may be possible, the name, age, date of enlistment, military history and final disposition of each such soldier.

Military history
of soldiers, etc.,
recompilation
of, etc.

SEC. 2. The sum of eight thousand dollars is hereby appropriated, or so much thereof as may be necessary, out of any moneys in the State Treasury to the credit of the general fund not otherwise appropriated, for the purposes mentioned in this act. The Auditor General shall draw his warrant upon the State Treasurer upon the certificate of the Adjutant General not to exceed the sum above mentioned, as the same may be required to carry out the provisions of this act.

Appropriation.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year one thousand eight hundred and ninety-one the sum of four thousand dollars, and a like sum for the year one thousand eight hundred and ninety-two, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section two of this act.

Sum to be in-
cluded in
State tax.

This act is ordered to take immediate effect.

Approved April 2, 1891.

[No. 21.]

AN ACT to amend section nineteen of chapter three of act number one hundred and sixty-four of the session laws of eighteen hundred and eighty-one, being section five thousand and seventy-one of Howell's Annotated Statutes, and section three of chapter ten of act number one hundred and sixty-four of the session laws of eighteen hundred and eighty-one, being section five thousand one hundred and thirty-four of Howell's Annotated Statutes, relative to revising and consolidating the laws in relation to public instruction and primary schools.

SECTION 1. *The People of the State of Michigan enact,* That section nineteen of chapter three and section three of chapter ten of act number one hundred sixty-four of the session laws of one thousand eight hundred eighty-one, being sections five thousand seventy-one and five thousand one hundred thirty-four of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows:

Sections
amended.

Non-resident pupils' tuition, etc. Proviso.	(§5071.) SEC. 19. The district board may admit to the district schools non-resident pupils, and may determine the rates of tuition of such pupils and collect the same: <i>Provided, That</i> when non-resident pupils, their parents or guardians, pay a school tax in said district, the same shall be credited on their tuition a sum not to exceed the amount of such tuition and they shall only be required to pay tuition for the difference therein.
Duty of trustees.	(§5134.) SEC. 3. It shall be the duty of the board of trustees in any graded school district:
To classify pupils.	<i>First, To classify and grade the pupils attending schools in such district and cause them to be taught in such schools or departments as they may deem expedient;</i>
To establish high school, etc.	<i>Second, To establish in such district a high school when ordered by a vote of the district at an annual meeting, and to determine the qualifications for admission to such school, and the fees to be paid for tuition in any branch taught therein: <i>Provided, That</i> when non-resident pupils, their parents or guardians, shall pay a school tax in said district, the same shall be credited on their tuition a sum not to exceed the amount of such tuition and they shall only be required to pay tuition for the difference between the amount of the tax and the amount charged for tuition;</i>
Proviso as to tuition.	<i>Third, To audit and order the payment of all [of] the accounts of the director for incidental or other expenses incurred by him in the discharge of his duties; but no more than fifty dollars shall be expended by the director in one year for repairs of the buildings or appurtenances of the district property without the authority of the board of trustees;</i>
To audit and pay directors' accounts.	<i>Fourth, To employ all qualified teachers necessary for the several schools, and to determine the amount of their compensation and to require the director and moderator to make contracts with the same on behalf of the district, in accordance with the provisions of law concerning contracts with teachers;</i>
To employ teachers.	<i>Fifth, To employ such officers and servants as may be necessary for the management of the schools and school property, and prescribe their duties and fix their compensation;</i>
To employ officers, etc.	<i>Sixth, To perform such other duties as are required of district boards in other school districts.</i>
Other duties.	Approved April 2, 1891.

[No. 22.]

AN ACT to provide for the incorporation of lodges of the Benevolent and Protective Order of Elks.

Lodges of Elks may be incorporated.

SECTION 1. *The People of the State of Michigan enact, That any lodge of the Benevolent and Protective Order of Elks, organized within this State, and having a charter from the Grand Lodge of the Benevolent and Protective*

Order of Elks, may become incorporated under the provisions of this act.

SEC. 2. Any ten or more persons, residents of this State, being members in good standing of a lodge of the Benevolent and Protective Order of Elks, having competent authority from the Grand Lodge of the order, desirous to become incorporated, may make and execute articles of association, under their hands and seals, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth:

Ten, etc., members may form.

Articles of incorporation, contents of.

First, The names of the persons associating in the first instance, and their place of residence;

Second, The corporate name by which such association shall be known in the law, and the place of its business office;

Third, The objects and purposes of such association, which shall be to protect and aid its members and their families, and to promote friendship, and social intercourse, and to accumulate a fund for that purpose; and the period for which it is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association, together with the charter and constitution of the Grand Lodge of the Benevolent and Protective Order of Elks, shall be filed with the Secretary of State; and thereupon the persons who have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law, capable to purchase, take, receive, hold and enjoy to them and their successors estates real and personal, of suing and being sued, and to have a common seal, which may be altered or changed at their pleasure:

Articles filed with Secretary of State.

Body politic.

Provided, That the value of such real and personal estate shall not exceed the sum of fifteen thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise and dispose of said real and personal estate or part thereof at their will and pleasure, and the proceeds, rents and incomes shall be devoted to the protection and aid of its members and their families, and for no other purpose. Said corporation shall have full power to make and establish rules, regulations and by-laws, for regulating and governing all the affairs and business of said corporation not repugnant to, or inconsistent with the constitution, rules and edicts of the Grand Lodge of the order, or the constitution and laws of this State, or of the United States, and to elect and appoint from its members, such officers under such name and style as shall be in accordance with the constitution of the Grand Lodge of the order.

Provide as to property owned.

Establish by-laws, etc.

SEC. 4. A copy of the record of such articles of association under the seal of the State, duly certified according to

Prima facie evidence.

tals, for the year eighteen hundred and ninety-one, the sum of twelve thousand five hundred dollars, and for the year eighteen hundred and ninety-two the sum of twelve thousand five hundred dollars; for the enlargement and alteration of the law building, for the year eighteen hundred and ninety-one, the sum of twelve thousand and five hundred dollars, and for the year eighteen hundred and ninety-two, the sum of twelve thousand and five hundred dollars; and for the enlargement and alteration of the dental building for the use of the department of engineering, for the year eighteen hundred and ninety-one, the sum of five thousand dollars, and for the year eighteen hundred and ninety-two, the sum of five thousand dollars.

Taxed for.

SEC. 2. There shall be assessed upon the taxable property of the State, in the year eighteen hundred and ninety-one, the sum of ninety-three thousand eight hundred and twenty-five dollars, and in the year eighteen hundred and ninety-two, the sum of ninety-one thousand two hundred dollars, which sums shall be assessed, levied and collected in the same manner as other State taxes are assessed, levied and collected and which taxes, when collected, shall be credited up to the general fund to reimburse the same for the amount drawn therefrom, as provided in section one of this act.

This act is ordered to take immediate effect.

Approved April 10, 1891.

[No. 26.]

AN ACT providing for the employment of, defining the duties, and fixing the compensation of a stenographer of the twenty-sixth judicial circuit of the State of Michigan.

Shall hold office subject to the provisions of this act.

How appointed.

Proviso.

May appoint deputies.

Proviso.

Duty of.

SECTION 1. *The People of the State of Michigan enact,* That from and after the passage of this act the stenographer of the circuit courts of the counties in the twenty-sixth judicial circuit shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor, upon the nomination of the judge of said circuit, and hold his office during good behavior: *Provided,* The court shall have power to suspend him for incompetency or misconduct; and in case of suspension he shall cease to hold the office of stenographer, unless by order of the court his suspension be rescinded.

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided,* The stenographer shall have the power to revoke said appointments at any time.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term and to take full stenographic minutes of the testimony

and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and as a compensation for such services he shall receive the sum of fifteen hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasuries of the counties composing said circuit in the following proportion and amounts: The county of Alpena nine hundred dollars per annum; the county of Presque Isle two hundred dollars per annum; the county of Otsego the sum of two hundred dollars per annum, and the county of Montmorency the sum of two hundred dollars per annum; and the several county treasurers of said counties shall pay the annual salary of said stenographer, in monthly installments in accordance with this act, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

Compensation,

Amount apportioned to each county.

How paid.

SEC. 4. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes, it shall be the stenographer's duty to furnish the same, upon payment of such sum as may be agreed upon, not exceeding seven cents per folio. And in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case at law or in chancery, in order to remove such case to the Supreme Court, and the circuit judge shall so certify, then the amount of the stenographer's fees for such transcript may be taxed, if the appellant shall prevail in the Supreme Court, as a proper disbursement, and said transcript may be used by the opposite party in proposing amendments to the record.

Transcripts to be furnished.

Fee therefor.

SEC. 5. In each and every issue of fact to be tried in the several counties, there shall be taxed three dollars, to be paid by the parties to the suit in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury to apply on the payment of the salary of said stenographer hereinbefore provided; and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

Cases to be taxed.

SEC. 6. Before entering upon the duties of his office, said stenographer and his deputies shall take and subscribe the oath of office prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk of each of the counties in said circuit.

Oath.

SEC. 7. The stenographer or deputy who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. And in the event of the death or resignation or his removal

Notes, etc., preservation of.

from office or from this State, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the records in all of said cases, and shall be subject to inspection as other records.

Charge need not
be in writing.

SEC. 8. In cases tried in said courts in which said stenographer shall be engaged, it shall not be necessary for the charge of the court to be in writing, as provided by an act, entitled "An act to declare and establish the practice of charging or instructing juries, and settling the law in cases tried in the circuit courts," approved March 25, 1869.

Certain acts
void.

SEC. 9. All acts or parts of acts contravening the provisions of this act shall be construed as void and of no effect as applied to the counties in said twenty-sixth judicial circuit.

This act is ordered to take immediate effect.

Approved April 14, 1891.

[No. 27.]

AN ACT to prevent the spearing of fish in the waters of the inland lakes in the county of Livingston.

Unlawful to
spear fish in
certain waters.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter to fish with any form of spear or spears in the waters of the inland lakes in the county of Livingston.

Penalty for
violation.

SEC. 2. Any person who shall be found guilty of a violation of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, together with costs of prosecution, and in default of the payment shall be confined in the county jail until such fine and costs shall have been paid but such confinement shall not exceed thirty days.

This act is ordered to take immediate effect.

Approved April 15, 1891.

[No. 28.]

AN ACT to provide for the organization and incorporation of builders' and builders and traders' exchanges.

Three or more
may incorporate.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than three, may associate themselves together and become incorporated as a builders' or a builders and traders' exchange for the purpose of providing and regulating suitable rooms or places of meeting; to promote mechanical and industrial interests; to inculcate just and equitable principles of trade; to establish and maintain uniformity

Purpose of.

in commercial usages, by rules and regulations; to acquire, preserve and disseminate valuable business information; to adjust differences and settle disputes between members, or between members and others; and for other purposes conducive to the interests of members thereof.

SEC. 2. The incorporators shall sign and acknowledge before some person authorized to take the acknowledgment of deeds, duplicate articles of association, of which one copy shall be filed and recorded in the office of the Secretary of State, and a record shall also be made of such articles in the office of the clerk of the county in which such exchange is located; and upon the filing and recording of such articles, duly executed and acknowledged as aforesaid, the said incorporators and those who may thereafter become associated with them shall become a body politic and corporate for the purposes set forth in said articles.

Articles of association to be filed with Secretary of State.

Body politic.

SEC. 3. The articles of association shall contain:

First, The names of the persons associating in the first instance and their places of residence;

Name of persons associating.

Second, The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Name of corporation, etc.

Third, Definitely and distinctly the purposes for which the corporation is formed;

Purposes.

Fourth, The number of its directors, if any, and regular officers and the time and place of holding its annual meeting;

Directors, officers, etc.

Fifth, The terms and conditions of membership therein.

Membership.

SEC. 4. Said corporation by the name adopted by said articles shall have succession and power to sue and be sued and to adopt and use a corporate seal which it may alter and change at pleasure; may receive and hold property and effects, real and personal, by gift, devise or purchase, and may sell, mortgage or otherwise dispose of the same; may make all needful rules, regulations and by-laws for the management of its affairs and prescribing the terms and conditions under and upon which members may be received into or expelled from said corporation, and may revise and alter the same from time to time as therein shall be provided; and may impose fines upon any of its members for breach of its rules, regulations or by-laws, but no fine shall exceed twenty-five dollars: *Provided*, That no corporation hereby created shall, at any one time, hold real estate the value of which shall exceed one hundred thousand dollars.

Succession and power to sue, etc.

Proviso as to real estate.

SEC. 5. Said corporation may constitute and appoint committees of reference and arbitration and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in the by-laws for the settlement and adjustment of such matters of difference as may be voluntarily submitted for arbitration by members or others.

Arbitration committees, etc.

This act is ordered to take immediate effect.

Approved April 15, 1891.

from office or from this State, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the records in all of said cases, and shall be subject to inspection as other records.

Charge need not
be in writing.

SEC. 8. In cases tried in said courts in which said stenographer shall be engaged, it shall not be necessary for the charge of the court to be in writing, as provided by an act, entitled "An act to declare and establish the practice of charging or instructing juries, and settling the law in cases tried in the circuit courts," approved March 25, 1869.

Certain acts
void.

SEC. 9. All acts or parts of acts contravening the provisions of this act shall be construed as void and of no effect as applied to the counties in said twenty-sixth judicial circuit.

This act is ordered to take immediate effect.

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SEC. 2. Any person who shall be found guilty of a violation of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, together with costs of prosecution, and in default of the payment shall be confined in the county jail until such fine and costs shall have been paid but such confinement shall not exceed thirty days.

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Purpose of.

in commercial usages, by rules and regulations; to acquire, preserve and disseminate valuable business information; to adjust differences and settle disputes between members, or between members and others; and for other purposes conducive to the interests of members thereof.

SEC. 2. The incorporators shall sign and acknowledge before some person authorized to take the acknowledgment of deeds, duplicate articles of association, of which one copy shall be filed and recorded in the office of the Secretary of State, and a record shall also be made of such articles in the office of the clerk of the county in which such exchange is located; and upon the filing and recording of such articles, duly executed and acknowledged as aforesaid, the said incorporators and those who may thereafter become associated with them shall become a body politic and corporate for the purposes set forth in said articles.

Articles of association to be filed with Secretary of State.

Body politic.

SEC. 3. The articles of association shall contain:

First, The names of the persons associating in the first instance and their places of residence;

Name of persons associating.

Second, The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Name of corporation, etc.

Third, Definitely and distinctly the purposes for which the corporation is formed;

Purposes.

Fourth, The number of its directors, if any, and regular officers and the time and place of holding its annual meeting;

Directors, officers, etc.

Fifth, The terms and conditions of membership therein.

Membership.

SEC. 4. Said corporation by the name adopted by said articles shall have succession and power to sue and be sued and to adopt and use a corporate seal which it may alter and change at pleasure; may receive and hold property and effects, real and personal, by gift, devise or purchase, and may sell, mortgage or otherwise dispose of the same; may make all needful rules, regulations and by-laws for the management of its affairs and prescribing the terms and conditions under and upon which members may be received into or expelled from said corporation, and may revise and alter the same from time to time as therein shall be provided; and may impose fines upon any of its members for breach of its rules, regulations or by-laws, but no fine shall exceed twenty-five dollars: *Provided*, That no corporation hereby created shall, at any one time, hold real estate the value of which shall exceed one hundred thousand dollars.

Succession and power to sue, etc.

Proviso as to real estate.

SEC. 5. Said corporation may constitute and appoint committees of reference and arbitration and committees of appeals, who shall be governed by such rules and regulations as may be prescribed in the by-laws for the settlement and adjustment of such matters of difference as may be voluntarily submitted for arbitration by members or others.

Arbitration committees, etc.

This act is ordered to take immediate effect.

Approved April 15, 1891.

[No. 29.]

AN ACT to fix the per diem compensation of members of the State Legislature from the Upper Peninsula for and during the session of one thousand eight hundred and ninety-one.

Compensation of
certain members
of the Legisla-
ture.

SECTION 1. *The People of the State of Michigan enact,* That in addition to the compensation, mileage, and allowance for stationery, as fixed by law, for members representing the Upper Peninsula, there shall be allowed and paid two dollars per diem extra compensation during the session of the Legislature of the year eighteen hundred and ninety-one.

Ordered to take immediate effect.

Approved April 15, 1891.

[No. 30.]

AN ACT to reorganize the sixteenth judicial circuit and to create the thirty-first judicial circuit.

County
detached.

SECTION 1. *The People of the State of Michigan enact,* That the county of St. Clair is hereby detached from the sixteenth judicial circuit.

Sixteenth
circuit formed.

SEC. 2. The county of Macomb is hereby formed into and constituted a judicial circuit to be known as the sixteenth judicial circuit.

Thirty-first
formed.

SEC. 3. The county of St. Clair is hereby formed into and constituted a judicial circuit to be known as the thirty-first judicial circuit.

Judge to
continue
courts, etc.

SEC. 4. The judge of the said sixteenth judicial circuit, as heretofore organized, shall continue to hold his office as circuit judge for said county hereby detached, and shall continue to hold court therein and perform all the functions of circuit judge thereof until a circuit judge shall be appointed and shall qualify in the said thirty-first judicial circuit.

Court to be
held, etc.

SEC. 5. Court shall be held in said counties at the time and places heretofore designated by the circuit judge of the said sixteenth judicial circuit, and the said circuit judge shall have power in said county of St. Clair to settle bills of exception, decide and determine cases submitted to him, the same as if this act had not been passed, and may issue the writ of *habeas corpus*, *certiorari* and injunction at any time in said county until the appointment and qualification of a circuit judge in said thirty-first judicial circuit.

Power and duty
of judge of six-
teenth circuit.

SEC. 6. The circuit judge of the sixteenth judicial circuit, as heretofore organized, shall have power, and it is hereby made his duty in said county of St. Clair to settle bills of exception in all cases tried before him and decide and determine all cases submitted to him before the appointment and qualification of a circuit judge in the thirty-first judicial circuit.

SEC. 7. The office of circuit judge of the thirty-first judicial circuit, hereby created, shall be vacant from the time this act takes effect, which said vacancy shall be filled by appointment by the Governor. The person so appointed shall hold his office from the fifteenth day of May, eighteen hundred and ninety-one, until his successor is duly elected and qualified. At the spring election to be held in [the year] eighteen hundred ninety-two, the qualified voters of the county comprising the thirty-first judicial circuit shall elect a circuit judge for said circuit who shall hold his office from the third Monday in May, eighteen hundred ninety-two, until January the first, A. D. eighteen hundred ninety-four, and until his successor is elected and qualified.

Vacancy declared, how filled.

Election of judge.

SEC. 8. It shall be the duty of the sheriff of the county of St. Clair, at least thirty days previous to the first Monday in April, eighteen hundred and ninety-two, to notify the township clerk of each township and ward inspectors of election in each ward of any city in said county of St. Clair of said election of circuit judge, and such township clerks and ward inspectors shall post notices in the usual manner for such election in townships and wards at least fifteen days previous to the day of election.

Duty of sheriff, etc.

SEC. 9. The said election for circuit judge shall be conducted and returns made as prescribed by law for the election of circuit judges for the several judicial circuits of this State, and the State board of canvassers shall, without delay, on the receipt of the certified statements of the votes given in said county of St. Clair proceed to canvass the votes and deliver to the person elected a copy of their determination or certificate of election as required by law.

How election conducted, etc.

SEC. 10. The person so elected in eighteen hundred ninety-two, shall within ten days qualify in the manner now provided by law for the qualification of circuit judges in this State, and his successor shall be elected at the time and in the manner now provided by law for the election of circuit judges.

To qualify within ten days.

SEC. 11. Within ten days after the circuit judge of the said thirty-first judicial circuit shall have been appointed and has qualified he shall in the manner provided by law fix and determine the times for holding the several terms of court within his circuit, which appointments when so made, shall remain unalterable until the time when by law it is made the duty of circuit judges to fix and appoint the times of holding the several terms of court within their respective circuits in this State. Until the time thus fixed and appointed becomes operative the circuit court of the said thirty-first judicial circuit shall be held at the times last fixed by the judge of the sixteenth judicial circuit as heretofore organized.

Shall fix terms of court, etc.

SEC. 12. It shall be the duty of the circuit judge of the sixteenth judicial circuit as hereby reorganized to aid and assist the judge of the said thirty-first judicial circuit in transacting the business of the last named circuit so far as he can without detriment to the business of his own circuit until January first,

Judge of sixteenth circuit to assist, etc.

May sit together. A. D. eighteen hundred ninety-four. To that end it shall be lawful for the judges of the sixteenth and thirty-first judicial circuits to sit together in the trial of causes or sit separately and try causes at the same time in the thirty-first judicial circuit.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 31.]

AN ACT providing for the employment, defining the duties, and fixing the compensation of a stenographer for the twenty-eighth judicial circuit, State of Michigan.

Appointment of stenographer. SECTION 1. *The People of the State of Michigan enact,* That a stenographer for the circuit courts composing the twenty-eighth judicial circuit shall be appointed by the Governor, on the nomination of the judge of said circuit. The person so appointed shall take and subscribe the official oath prescribed by the constitution which oath shall be administered by the presiding judge. He shall be an officer of the court and shall hold his office during the pleasure of the Governor: *Provided,*

Proviso. The court shall have power to suspend him for incompetency or misconduct and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded.

May appoint deputies. SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided,*

Proviso. The stenographer shall have power to revoke such appointment at any time.

Duty of stenographer. SEC. 3. It shall be the duty of the said stenographer to attend upon the circuit court of each of the counties composing said circuit during each term thereof respectively and to take full stenographic notes of all testimony given, and proceedings had upon the trial or hearing of cases therein. The stenographer so appointed shall receive as a compensation for such services the sum of fifteen hundred dollars per annum which said sum shall be paid in monthly installments out of the county treasuries of the counties composing said circuit. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts for such counties respectively, the preceding year; and on the first of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof; and when so notified the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay in monthly

Compensation.

Judge to apportion amount to be paid by each county.

installments, the annual salary of said stenographer in accordance with said apportionment and notification of said circuit judge and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

SEC. 4. In case counsel for either party to any suit or proceeding at law or in equity shall desire a transcript of the whole or a part of the testimony or proceedings in any case for the purpose of moving for a new trial, or removing it to the Supreme Court, it shall be the duty of the stenographer of the court reporting said testimony or proceedings to furnish the same, and he shall be entitled to receive therefor from the party so requiring it, on delivery of said copy the sum of six cents per folio for each folio so transcribed and should said party so ordering said transcript and at the time of giving such order signify his wish for two copies or transcripts of said stenographer's notes of said testimony or proceedings, the said stenographer shall furnish the second copy for two cents a folio and the money so paid the stenographer shall be recovered as a part of the taxable costs of the party in such motion or in the Supreme Court: *Provided*, That in any case the court may order the stenographer to make a transcript of the testimony and proceedings in said case; such transcript shall be deemed the official record of the court: *Provided further*, That if the presiding judge shall direct a copy of the testimony and other proceedings upon any trial to be made for his own use, the stenographer shall make and file the same, without costs to either party; such copy shall be made within such time as the court shall order.

To furnish transcripts.

Fee therefor.

Proviso

Further proviso.

SEC. 5. Each and every issue of fact at law or in chancery tried or heard before the court or jury, and in each chancery case in which the proofs are taken in open court, in which the stenographer shall be employed, shall be taxed the sum of three dollars, to be paid by the plaintiff or complainant, at the commencement of each trial or hearing, into the hands of the clerk, and by him paid into the county treasury of the county in which said case is tried or heard.

Cases to be taxed.

SEC. 6. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside and safely keep the same in his office. And in the event of the death or resignation, or his removal from office or from this State, said notes shall be transferred to the county clerk of the county where the case was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for that county: *Provided*, That said notes shall be a part of the record in all said cases, and shall be subject to inspection as other records in the case.

Notes, etc., preservation of, etc.

Proviso.

SEC. 7. In cases tried in the said courts in which said stenographer shall be engaged, it shall not be necessary for the

Charge need not be in writing.

charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and settling the law in cases tried in the circuit courts," approved March twenty-fifth, one thousand eight hundred sixty-nine.

Certain acts void. SEC. 8. All acts or parts of acts contravening the provisions of this act shall be construed as void and of no effect as applied to the counties in the twenty-eighth judicial circuit.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 32.]

AN ACT requiring certain of the regular terms of the circuit court for the county of Iosco to be hereafter held within the city of Au Sable.

Court to be held
in Au Sable.

SECTION 1. *The People of the State of Michigan enact,* That two of the regular terms of the circuit court for the county of Iosco, heretofore appointed, shall be held during the remainder of the year A. D. one thousand eight hundred and ninety-one, within the city of Au Sable, and during each year thereafter, two of the regular terms of said court shall be held within said city: *Provided,* That the common council of said city, shall furnish and provide, free of expense to said county, a suitable place for holding said court, within said city, and transacting the business thereof, and also a suitable and sufficient jail, for the incarceration of prisoners during the sittings of said court, both to be inspected and approved by the judge of said court which approval shall be in writing, and shall be filed with the clerk of said county.

Proviso as to
place of holding,
etc.

Judge to designate terms to be
held at Au Sable.

SEC. 2. Within ten days after this act shall take effect and become a law, and said approval be so filed, the circuit judge of the twenty-third judicial circuit shall designate which two of the four regular terms of the circuit court for the said county of Iosco, heretofore appointed for the year A. D. eighteen hundred and ninety-one, shall be so held within said city, which designation shall be in writing, and shall be immediately thereafter transmitted by him to the clerk of the said county.

Idem.

SEC. 3. The judge of the said circuit shall thereafter, when fixing and appointing the times of holding the several terms within his circuit, in such appointment determine and designate which of the regular terms, to be then fixed and appointed, shall be so held within said city of Au Sable, for the two years next ensuing.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 33.]

AN ACT making an appropriation for the Michigan Pioneer and Historical Society, for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two.

SECTION 1. *The People of the State of Michigan enact,* Appropriation.
That there is hereby appropriated to the Michigan Pioneer and Historical Society, from the general fund, the sum of one thousand dollars, as follows: The sum of five hundred dollars for the year eighteen hundred and ninety-one, and the sum of five hundred dollars for the year eighteen hundred and ninety-two, which said sums of money shall be Purpose of.
expended by said Michigan Pioneer and Historical society in collecting, arranging and preserving a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary and other materials illustrative of and relating to the history of Michigan; to rescue from oblivion the memory of its early pioneers; to procure and preserve narratives of their early exploits, perils, privations, hardy adventures and noble achievements; to collect material of every description relative to the history, genius, progress or decay of our Indian tribes; to exhibit faithfully the past and the present resources of Michigan.

SEC. 2. There is hereby further appropriated to said Additional appropriation.
Michigan Pioneer and Historical Society, from the general fund, the sum of four thousand dollars, as follows: The sum of two thousand dollars for the year eighteen hundred and ninety-one, and the sum of two thousand dollars for the year eighteen hundred and ninety-two, or as much thereof Purpose of.
as may be necessary to publish two volumes of historical and other material relative to and illustrative of the history of Michigan. Said Michigan Pioneer and Historical Society shall collect, arrange and prepare the materials for said volumes for printing, which shall be printed by the State printer, under the direction and superintendence of said Michigan Pioneer and Historical Society, and said volumes Size of volumes.
shall not contain more than seven hundred and thirty pages each and shall be printed and published in kind of type, quality of paper, style of binding and printing similar to the "Pioneer Collections" heretofore published by said Michigan Pioneer and Historical Society, and said Michigan Pioneer Number of copies.
and Historical Society shall not publish or issue more than three thousand copies of each of said volumes published as provided for in this act.

SEC. 3. Five hundred copies of each volume published, as Disposition of.
heretofore in this act provided for, shall be deposited in the State Library of Michigan for exchange with the Pioneer and Historical Societies of domestic and foreign states and governments, and the officers of said Michigan Pioneer and Historical Society shall make a further distribution of one copy of each of said volumes to each of the duly and legally

incorporated public libraries in the State of Michigan when authoritatively and officially requested so to do by the legally elected officers or other legally constituted managers of said public libraries, and the residue and remainder of said copies of said volumes shall be delivered to and be in the custody and care of the State Librarian, to be sold by said Librarian at a price not less than seventy-five cents per copy, and the moneys arising from such sales shall be deposited in the State Treasury to the credit of the general fund.

How money to
be drawn

SEC. 4. The various sums appropriated by this act shall be placed to the credit of the State Pioneer and Historical Society, on the books of the Auditor General's office, and shall be drawn from the State Treasury only on the warrant of the Auditor General in payment of vouchers duly certified by the president and secretary of said society, for expenditures actually incurred in accordance with the provisions of this act.

Officers not to re-
ceive any part
thereof.

SEC. 5. No part of the annual appropriations shall ever be paid for any services rendered by its officers to the society while in the discharge of their official duties.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 34.]

AN ACT making an appropriation for the support of the State Public School for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, for making improvements at that institution and to provide a tax for the same.

Appropriation,
purposes, etc.

SECTION 1. *The People of the State of Michigan enact,* That the sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and ninety-one; and that the further sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund to meet the current expenses of the State Public School for the year eighteen hundred and ninety-two; and that the further sum of five thousand three hundred dollars be and the same is hereby appropriated out of the general fund for the following named purposes for the State Public School: For general repairs on building and painting, two thousand five hundred dollars; for slate or metal roofs on main buildings and cottages, one thousand dollars; for furniture and bedding for cottages and main building, eight hundred dollars; for improvements in the hospital buildings, six hundred dollars; and for a new washer and improvements in the laundry, four hundred dollars.

SEC. 2. That the general sums appropriated by the provisions of this act shall be passed to the credit of the State Public School and paid to the board of control of that institution, or to its treasurer, at such times and in such amounts and manner as is now provided by law and this act, and as may be made to appear to the Auditor General to be necessary. How paid, etc.

SEC. 3. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-one, the sum of thirty-eight thousand dollars and for the year eighteen hundred and ninety-two the sum of thirty-seven thousand three hundred dollars to be assessed, levied and collected, which sums when collected shall be passed to the credit of the general fund to reimburse it for the sums appropriated by section one of this act. To be incorporated in taxes for 1891-92.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 35.]

AN ACT to prevent the taking, catching or destruction of fish in Donnell's lake and Diamond lake in Penn township, Mud lake in Calvin township and Indian lake, Dewey lake, Cable lake, Magician lake and Crooked lake in Silver Creek township, all in the county of Cass; and Crooked lake and Round lake in the township of Keeler in Van Buren county; and Brush lake in the townships of Berrien and Pipestone, and Long Lake in Berrien township, Berrien county, and Lee lake in Newton township in the county of Calhoun.

SECTION 1. *The People of the State of Michigan enact,* Unlawful to fish in certain manner, etc. That it shall not be lawful for any person to take, catch or kill any fish in the lakes known as Donnell's lake and Diamond lake in Penn township, Mud lake in Calvin township and Indian lake, Dewey lake, Cable lake, Magician lake and Crooked lake in Silver Creek township, all in the county of Cass; and Crooked lake and Round lake in the township of Keeler in Van Buren county; and Brush lake in the townships of Berrien and Pipestone, and Long lake in Berrien township, Berrien county; Lee lake in Newton township, county of Calhoun, with spear, net, [grap-hook] grab-hook or by the use of jacks or artificial light of any kind, or any kind of fire-arms or explosive material, set lines or other device, except the hook and line.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not to exceed twenty-five dollars and costs of prosecution, or imprisoned in the county jail not to exceed thirty days, or both such fine and imprisonment, in the discretion of the court. Violation a misdemeanor. Penalty.

Evidence of violation of act.

SEC. 3. In all prosecutions under this act it shall be *prima facie* evidence on the part of the people of the violation of the provisions of this act, to show that the defendant was found upon the waters of said lakes with spear, net, trap-net, jack or artificial light of any kind, or with dynamite, giant powder, or any other explosive substance or combination of substances.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 36.]

AN ACT to authorize the cities and townships of this State to acquire by purchase or condemnation all the rights of toll or plank road companies in the streets or highways of such city or township, and to authorize such toll or plank road companies to sell the whole or any portion of its road or franchise to any city or township in which the same may be located, or to any other person or corporation.

City may purchase rights of toll road companies, etc.

SECTION 1. *The People of the State of Michigan enact,* That any city of the State in which any toll road company has the right to maintain gates or collect toll, [on] or any street or highway within said city, may purchase all rights of said company in such street or highway at a valuation to be agreed on between the common council of the city and the board of directors of such toll road company.

May condemn such rights.

SEC. 2. In case no agreement can be reached for the purchase of the rights of such toll road company, said city is authorized to condemn such rights in which condemnation such city shall proceed as in the condemnation of lands for streets, according to the provisions of act number one hundred and twenty-four of the public acts of one thousand eight hundred and eighty-three, and the acts amendatory thereof, so far as the same are applicable, but the damages to which such company may be entitled shall be paid wholly by said city.

Authority to sell.

SEC. 3. Any plank road company organized under any of the laws of this State, is hereby authorized to sell the whole or any portion of its road and franchises to any city, township, person, or corporation on such terms as may be mutually agreed upon.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 37.]

AN ACT to amend section ten of act number two hundred and thirty of the public acts of eighteen hundred and eighty-nine, being an act to amend chapter seven, of act number two hundred and forty-three, of the public acts of the year eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement, and maintenance of highways and private roads, and the building, repairing and preservation of bridges within the State," and acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section ten of chapter seven of act number two hundred and thirty, of the public acts of eighteen hundred and eighty-nine, be and the same is hereby amended as follows:

SEC. 10. Whenever the commissioners of highways of any two adjoining townships in different counties shall determine that an exigency exists requiring that a bridge should be constructed on or across the county line over any stream or sink-hole, either crossing or running along the boundary line between such townships, such bridge shall be built and maintained at the equal joint expense of such townships. Bridges in two townships, how constructed and maintained.
The commissioners of the townships interested, either of whom may give notice to the other, of meetings of said commissioners for the purposes mentioned in this act, shall jointly agree upon the plans and specifications for such bridge, and shall jointly let contracts for the construction thereof, in the same manner as near as may be, as provided in section one of this chapter for letting similar [contracts] contract: *Provided*, That no such [contracts] contract shall be let until the money necessary to cover the contract price shall have been raised or provided for by vote of the electors of said adjoining townships as provided for in sections three and four of this chapter. Commissioners to act jointly.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 38.]

AN ACT to amend section six of act two hundred and seventy-three of the public acts of one thousand eight hundred and eighty-nine, entitled "An act to provide for selecting and drawing jurors for the circuit court of the county of Saginaw," being section seven thousand six hundred and thirty *j* of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section six of act two hundred and seventy-three of the public acts of one thousand eight hundred and eighty-

nine, entitled "An act to provide for the selecting and drawing jurors for the circuit court of the county of Saginaw," being section seven thousand six hundred and thirty *j* of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Duty of clerk on receiving lists.

SEC. 6. On receiving such lists, the county clerk shall file the same in his office, and shall write down the names contained therein on separate pieces of paper of the same size and appearance, as near as may be, and shall fold up each of said pieces of paper so as to conceal the names thereon; and he shall make two separate packages for each township and for each ward in the cities of said county, one package for the names of the grand jurors and one for the names of the petit jurors, upon each of which packages he shall indorse the name of the township, or ward in any city in which the persons whose names are contained in such package reside, and also indorse the words, "grand jurors" and "petit jurors," respectively on such packages containing the names of the same. He shall place in package marked "grand jurors" all the names appearing upon the list returned as grand jurors, and in the package marked "petit jurors" all the names returned upon the list marked "petit jurors," from the township or ward represented by the name indorsed upon such package; and he shall number said packages in numerical order, commencing with number one. The drawing of jurors for service in said court shall be conducted in the manner provided by the general statutes now, or at any time hereafter in force, regulating the drawing of jurors in courts of record. All names once drawn shall, in case the person so drawn shall serve as a jurymen, be destroyed, so that the same person shall not be required to serve as a jurymen more than one term of said court in any one year.

Names to be placed in packages.

How jury drawn.

Ordered to take immediate effect.
Approved April 21, 1891.

[No. 39.]

AN ACT to amend section twenty-seven of act two hundred forty-four of the public acts of one thousand eight hundred eighty-one, entitled "An act to authorize the incorporation of companies for the construction of union railroad stations and depots, with the necessary connecting [tracks] tracts, and the management of the same," the same being section thirty-four hundred and eighty-four of Howell's Annotated Statutes.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-seven of act two hundred forty-four of the public acts of one thousand eight hundred eighty-

one, entitled "An act to authorize the incorporation of companies for the construction of union railroad stations and depots, with the necessary connecting [tracks] tracts, and the management of the same," the same being section thirty-four hundred and eighty-four of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

SEC. 27. If any such company shall not, within one year after its organization, begin the construction of its depots or tracks, and expend thereon forty per cent on the amount of the capital stock subscribed, and so far complete as to put the same in active operation with the necessary machinery and buildings for the most economical and rapid handling and transaction of all the business of all the companies using its tracks and station grounds, in three years from the time of its organization, its act of incorporation shall become void. To begin construction within one year, etc.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 40.]

AN ACT to prevent the killing of deer in the counties of Allegan and Van Buren for a period of three years.

SECTION 1. *The People of the State of Michigan enact,* Deer protected for three years. That any person or persons who shall kill any deer within the counties of Allegan or Van Buren for a period of three years shall be punished as provided by section two of this act.

SEC. 2. Any person or persons who shall kill any deer Penalty. within the counties of Allegan and Van Buren for a period of three years, shall, upon conviction thereof, be punished by a fine of twenty-five dollars and costs or thirty days imprisonment in the county jail, or by both such fine and imprisonment at the discretion of the court.

Approved April 23, 1891.

[No. 41.]

AN ACT to provide for the protection of associations and unions of workingmen and artisans, or other persons in their labels, trade-marks, and forms of advertisement, and to punish the counterfeiting and fraudulent use of such labels, trade-marks, and forms of advertisement.

SECTION 1. *The People of the State of Michigan enact,* Unlawful to imitate trade-mark, label, etc. That whenever any association or union of workingmen or artisans or other persons, citizens of the United States, have

adopted or shall hereafter adopt for their protection, or for the purposes of designating or advertising the manufactured goods, or product of any member or members thereof, any label, trade-mark or form of advertisement to be attached to such goods or product, or to any box, boxes, case, cases, package or packages, containing or made to contain any such goods or product, it shall be unlawful for any person, firm or corporation, to make or procure to be made any counterfeit or imitation of such label, trade-mark or form of advertisement, or any false and fraudulent label, trade-mark or form of advertisement which is intended or liable to deceive the public into the belief that it is the genuine label, trade-mark or form of advertisement of such association or union, or any false or fraudulent label, trade-mark, or form of advertisement purporting on its face to have been issued by, or by authority of any such association or union.

Use of counterfeit, false, and fraudulent labels prohibited, etc.

SEC. 2. No person, firm or corporation, shall use any of the counterfeit, false or fraudulent labels mentioned in section one of this act, nor display the genuine label, trade-mark, or form of advertisement of any such association or union in any manner not authorized by such association or union; nor sell, offer, or expose for sale any manufactured article or articles on which, or on the box, case or package in which such manufactured article or articles are packed or inclosed, shall be attached any of the counterfeit, false or fraudulent labels, trade-marks or forms of advertisement mentioned in section one of this act; nor in any way use the name or seal of any such association or union, or of its officers or any of them, in and about the sale of goods, or otherwise, without authority or license from such association, union, officer or officers; nor use for boxing, encasing or packing any goods, product or manufacture not produced by such association or union, or any member or members thereof, any box, case or package to which the genuine label, trade-mark or form of advertisement of any such association or union, has previously been lawfully attached. In suits or proceedings for damage, or for equitable relief by or on behalf of any such association or union, on account of the violation of any provision of this act, it shall not be necessary to prove that such violation was knowingly or willfully committed.

In case of suits, etc.

Violation of, a misdemeanor.

Penalty.

SEC. 3. Any person, whether a member of a firm or corporation, or otherwise, who shall violate any of the provisions of section one of this act, or who shall knowingly or willfully violate any provisions of section two of this act, shall be deemed to have committed a misdemeanor thereby, and on conviction thereof shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. In actions at law or proceedings in equity

request, or in whose behalf any such request shall have been made, or shall make known to any person any name selected and returned on any jury list before the same may have been drawn from the jury box, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not more than one month, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment. Penalty for.

SEC. 23. Said board of jury commissioners shall, when ordered by the circuit court for the county of Wayne, make a list of suitable persons having the qualifications of petit jurors to serve as grand jurors. Such list shall contain one hundred and fifty names, and shall be made up from the county at large, without reference to any division into wards or townships; and when a grand jury shall be ordered to be drawn, the clerk shall give the same notices and take the same proceedings as is provided in the case of drawing petit jurors for drawing the names of twenty-three persons from said list of grand jurors, to serve as grand jurors, and the same shall be summoned and served in like manner and with like pay as petit jurors. If any of the persons whose names shall be drawn as grand jurors shall not appear, or shall be exempted or excused, the court may order a sufficient number to be drawn and summoned to complete the panel. List of grand jurors.

This act is ordered to take immediate effect.

Approved April 24, 1891.

[No. 43.]

AN ACT to amend section six of an act entitled "An act to provide for a State Board of Equalization," approved April seventh, eighteen hundred and fifty-one, as amended by act number eighty-five, public acts of eighteen hundred and seventy-one, approved April eighth, eighteen hundred and seventy-one, being section three hundred and twenty-four of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended. That section six of an act entitled "An act to provide for a State Board of Equalization," approved April seventh, eighteen hundred and fifty-one, as amended by act number eighty-five, public acts of eighteen hundred and seventy-one, approved April eighth, eighteen hundred and seventy-one, being section three hundred and twenty-four of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

SEC. 6. A meeting of the board of supervisors for the year eighteen hundred and ninety-one, shall be held on the fourth Monday of June, and on the fourth Monday of June every fifth year thereafter; and when convened, the board shall proceed to equalize the assessment rolls in the same Meeting to equalize assessment rolls.

of eighteen hundred eighty-seven, entitled "An act in relation to jurors in courts of record in the county of Wayne, and to revise the laws relative thereto," be and the same is hereby repealed, and that sections five, seven, seventeen, twenty-one and twenty-three, be and the same are hereby amended so as to read as follows:

Qualifications of persons named in list.

SEC. 5. The persons whose names shall be returned by said board of jury commissioners shall be suitable to serve as jurors. They shall have the qualifications of electors in the town or ward in which they reside, and for which they are returned by said board; they shall be persons of good character, of approved integrity, of sound judgment and well informed, conversant with the English language, in possession of their natural faculties, not infirm or decrepit and otherwise free from all legal exceptions. No person shall be returned or shall be qualified to be or become one of a panel of jurors in any court of record in Wayne county, who, within three years prior thereto, has been or acted as a member of a panel of jurors, whether summoned on the original panel or added thereto as talesman in a court of record; and it shall be the duty of each of said courts, on the return day of the *venire* to inquire of the jurors summoned, if any of them have served as jurors during the preceding three years, and to excuse from service any jurors who have so served.

Duty of clerk of receiving list of names.

SEC. 7. The clerk of the court, on receiving said list shall file it in his office, shall forthwith write the names of the persons thus selected on separate strips of paper of the same size and appearance, as nearly as may be, shall fold up each of said strips of paper in the same manner so as to conceal the name thereon, and deposit and preserve the same in a box, to be called and labeled "jury box," and the persons whose names are thus returned and deposited in said jury box, shall be liable to serve as jurors for one year, and until another list shall be selected, returned, and filed with said clerk, and the names thereon deposited in said jury box in the manner aforesaid. Immediately upon the depositing of the names so returned, in the jury box, the clerk shall seal up such list of jurors and said list shall remain sealed unless otherwise ordered by the presiding judge of the court for which such list is filed.

Petit jurors.

SEC. 17. Whenever for cause petit jurors shall not have been drawn or summoned to attend any term of said court, or a sufficient number of qualified jurors shall fail to appear, said court may, in its discretion, order a sufficient number of petit jurors to be forthwith drawn from said jury box, and summoned to attend such court.

Certain acts a misdemeanor.

SEC. 21. Any person who shall request said commissioner or any of them, to be selected and returned as a juror, or who shall request that any other person be so selected and returned, and any commissioner who shall cause any person to be selected and returned, who shall have made any

request, or in whose behalf any such request shall have been made, or shall make known to any person any name selected and returned on any jury list before the same may have been drawn from the jury box, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not more than one month, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment. Penalty for.

SEC. 23. Said board of jury commissioners shall, when ordered by the circuit court for the county of Wayne, make a list of suitable persons having the qualifications of petit jurors to serve as grand jurors. Such list shall contain one hundred and fifty names, and shall be made up from the county at large, without reference to any division into wards or townships; and when a grand jury shall be ordered to be drawn, the clerk shall give the same notices and take the same proceedings as is provided in the case of drawing petit jurors for drawing the names of twenty-three persons from said list of grand jurors, to serve as grand jurors, and the same shall be summoned and served in like manner and with like pay as petit jurors. If any of the persons whose names shall be drawn as grand jurors shall not appear, or shall be exempted or excused, the court may order a sufficient number to be drawn and summoned to complete the panel. List of grand jurors.

This act is ordered to take immediate effect.

Approved April 24, 1891.

[No. 43.]

AN ACT to amend section six of an act entitled "An act to provide for a State Board of Equalization," approved April seventh, eighteen hundred and fifty-one, as amended by act number eighty-five, public acts of eighteen hundred and seventy-one, approved April eighth, eighteen hundred and seventy-one, being section three hundred and twenty-four of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended. That section six of an act entitled "An act to provide for a State Board of Equalization," approved April seventh, eighteen hundred and fifty-one, as amended by act number eighty-five, public acts of eighteen hundred and seventy-one, approved April eighth, eighteen hundred and seventy-one, being section three hundred and twenty-four of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

SEC. 6. A meeting of the board of supervisors for the year eighteen hundred and ninety-one, shall be held on the fourth Monday of June, and on the fourth Monday of June every fifth year thereafter; and when convened, the board shall proceed to equalize the assessment rolls in the same Meeting to equalize assessment rolls.

manner as is provided in chapter twenty of the revised statutes of eighteen hundred and forty-six; and each of said supervisors shall add up the columns of their respective rolls, enumerating the number of acres of land, and the value of the real estate and personal property so assessed, so as to show the aggregate of each.

This act is ordered to take immediate effect.

Approved April 28, 1891.

[No. 44.]

AN ACT to amend section eleven of act number one hundred and fifty-two of the session laws of one thousand eight hundred and eighty-five, entitled "An act to authorize the establishment of a home for disabled soldiers, sailors and marines in the State of Michigan," approved June 5, 1885, being compiler's section number one thousand nine hundred and eighty-four *k*, of Howell's Annotated Statutes of Michigan.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section eleven of act number one hundred and fifty-two of the session laws of one thousand eight hundred and eighty-five, entitled "An act to authorize the establishment of a home for disabled soldiers, sailors and marines in the State of Michigan," approved June fifth, eighteen hundred eighty-five, being compiler's section number one thousand nine hundred and eighty-four *k*, of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows:

Mexican war
soldiers to be
admitted to Sol-
diers' Home.

SEC. 11. All honorably discharged soldiers, sailors and marines, who have served in the army or navy of the United States in the late war of the rebellion, or in the Mexican war, and who are disabled by disease, wounds or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to said home, subject, to the rules and regulations that shall be adopted by the board of managers to govern the admission of applicants to said home: *Provided*, That no applicant shall be admitted to said home who has not been a resident of the State of Michigan for one year next preceding the date of the original passage of this act, unless he served in a Michigan regiment or was accredited to the State of Michigan.

Proviso.

This act is ordered to take immediate effect.

Approved April 29, 1891.

[No. 45.]

AN ACT to prohibit the use of oleomargarine, butterine, or any other substitute for butter in any of the public institutions of this State, and to provide the punishment therefor.

SECTION 1. *The People of the State of Michigan enact,* Use of oleomargarine, etc., prohibited.
That the use of oleomargarine, butterine, or any other substitute for butter, in any of the public institutions of this State, be and the same is hereby prohibited.

SEC. 2. Any warden, superintendent or other officer of any such institution, who shall knowingly violate the provisions of section one of this act, or shall knowingly permit the same to be violated shall be deemed guilty of a misdemeanor and every violation shall constitute a separate offense and on conviction thereof shall be punished by a Misdemeanor.
fine of not less than twenty-five, nor more than one hundred dollars, together with costs of prosecution, or by imprisonment in the county jail of the county in which said institution is situated, not exceeding ninety days, or both such Penalty.
fine and imprisonment, at the discretion of the court.

Approved April 29, 1891.

[No. 46.]

AN ACT to amend sections twenty-six and twenty-nine of an act entitled "An act to amend sections twenty-six and twenty-nine of act number one hundred and forty-seven of the session laws of one thousand eight hundred and seventy-seven, entitled 'An act to revise and amend sections six, eleven, thirteen, nineteen and twenty-one of an act entitled 'An act to provide for a municipal court in the city of Grand Rapids to be called the superior court of Grand Rapids,' being act number forty-nine of the session laws of one thousand eight hundred and seventy-five, approved March twenty-fourth, one thousand eight hundred and seventy-five, as amended by act number one hundred of the session laws of one thousand eight hundred and seventy-nine, entitled "An act to amend sections twenty-six, twenty-eight and twenty-nine of act number one hundred and forty-seven of the session laws of one thousand eight hundred and seventy-seven, entitled 'An act to revise and amend sections six, eleven, thirteen, nineteen and twenty-one of an act entitled 'An act to provide for a municipal court in the city of Grand Rapids to be called the superior court of Grand Rapids,' being act number forty-nine of the session laws of one thousand eight hundred and seventy-five, approved March twenty-fourth, one thousand eight hundred and seventy-five, and to add six new sections to the act to stand as sections twenty-four, twenty-

five, twenty-six, twenty-seven, twenty-eight and twenty-nine, approved May twenty-third one thousand eight hundred and seventy-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections twenty-six and twenty-nine of act number one hundred and forty-seven of the session laws of one thousand eight hundred and seventy-seven, entitled "An act to revise and amend sections six, eleven, thirteen, nineteen and twenty-one of the act entitled 'An act to provide for a municipal court in the city of Grand Rapids to be called the superior court of Grand Rapids,'" being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, as amended by act number one hundred of the session laws of eighteen hundred and seventy-nine, entitled "An act to amend sections twenty-six, twenty-eight and twenty-nine of act number one hundred and forty-seven of the session laws of eighteen hundred and seventy-seven entitled 'An act to revise and amend sections six, eleven, thirteen, nineteen and twenty-one of an act entitled 'An act to provide for a municipal court in the city of Grand Rapids to be called the superior court of Grand Rapids,' being act number forty-nine of the session laws of eighteen hundred and seventy-five, approved March twenty-fourth, eighteen hundred and seventy-five, and to add six new sections to the act to stand as sections twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and twenty-nine, approved May twenty-third, eighteen hundred and seventy-nine,'" be and they are hereby amended so as to read as follows:

Stenographer
to attend court.

SEC. 26. It shall be the duty of said stenographer to attend upon the court, during the term thereof, and to take full stenographic notes of all testimony given and proceedings had upon the trial of each issue of fact before the court or jury; said stenographer shall receive a salary of two thousand dollars per annum, to be paid in monthly installments, from the general fund, in the same manner as other demands against the city.

Salary.

Stenographer to
furnish copies
of notes.

SEC. 29. It shall be the duty of said stenographer to furnish without delay, copies of the notes taken by him, written out in legible English, to any party who may request the same; and he shall be entitled to demand and receive therefor not to exceed six cents for each folio of one hundred words for the first copy and two cents per folio for each additional copy.

This act is ordered to take immediate effect.

Approved April 29, 1891.

[No. 47.]

AN ACT to provide for the committing of pauper insane persons to the Wayne county insane asylum, and for the transfer of such persons to the State asylum, and from the State asylum to [the] said county asylum, and to provide for the support and maintenance of such insane persons.

SECTION 1. *The People of the State of Michigan enact,* That the judge of probate for the county of Wayne may, in his discretion, commit any pauper insane persons who would be a charge against the said county of Wayne, to the Wayne county insane asylum, instead of the State asylum, in the same manner and under the same procedure as provided for the admission of pauper insane into the State asylum, by section twenty-six act one hundred thirty-five of the public acts of eighteen hundred eighty-five; and the support and maintenance of such insane persons, after two years, shall be a charge against the State and shall be allowed by the Board of State Auditors, on proper accounts, certified by the board of superintendents of the poor for said county and the medical superintendent of said county asylum, upon the certificate of the State Board of Corrections and Charities, that such insane persons have received proper treatment and care.

SEC. 2. The State Board of Corrections and Charities may, from time to time, with the aid of the medical superintendent of said county asylum and the medical superintendent of one of the State asylums to be selected by said board, examine into the treatment and care of patients in said county asylum, and said board in its discretion, may at any time direct that any of such patients be transferred to a State asylum, and it shall be the duty of the superintendent of the poor of said county to make such transfer, and as to the patients so transferred there shall be deducted from the two years, for which their support and maintenance in the State asylum may be charged against the said county, the time for which they may have been confined in said county asylum.

SEC. 3. The medical superintendent of either of the State asylums may, with the consent of the trustees thereof, transfer to said Wayne county asylum any indigent or pauper insane person whose support and maintenance would be a charge against said county, and after the expiration of two years, including any time for which they may have been supported and maintained at the expense of said county, the support and maintenance of such patients in said county asylum shall be allowed by the Board of State Auditors, on proper accounts, certified by the said superintendents of the poor and the medical superintendent of said county asylum. The medical superintendent of the Eastern [Michigan] Med-

Pauper insane may be committed to Wayne asylum.

When to be a charge against State.

Who to examine into treatment etc.

Transfer of certain insane.

Maintenance of.

Idem.

ical Asylum may, with the consent of the trustees thereof, transfer to said Wayne county asylum any indigent or pauper insane person or persons under treatment at the expense of the State of Michigan, who have been committed to the Eastern Michigan Asylum from Wayne county, and the account for the maintenance of such patients shall be allowed by the Board of State Auditors, and paid by the State of Michigan, on proper accounts, certified, as provided in section one of this act: *Provided*, That no greater sum than the actual cost per week, which shall at no time exceed three dollars per week, shall be allowed and paid, under the provisions of this act for the support and maintenance of any patient at said county asylum.

Proviso as to cost
of maintenance.

Books open to
inspection.

SEC. 4. The books of said superintendents of the poor shall be open at all times to the inspection of the Governor of the State and all persons whom he, or the Board of State Auditors, may appoint to examine the same for the purpose of verification of claims against the State.

This act is ordered to take immediate effect.

Approved April 30, 1891.

[No. 48.]

AN ACT to amend section one of act number one hundred and ninety-two, of the general laws of one thousand eight hundred and sixty-seven, entitled "An act to provide for the incorporation of associations, conventions, conferences or religious bodies for literary, religious or other benevolent purposes," approved March twenty-seventh, one thousand eight hundred and sixty-seven, being section four thousand seven hundred and twenty-two of Howell's Annotated Statutes, as amended by act number thirteen, public acts of one thousand eight hundred and eighty-nine, approved March sixth, one thousand eight hundred and eighty-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act one hundred and ninety-two of the general laws of one thousand eight hundred and sixty-seven, entitled "An act to provide for the incorporation of associations, conventions, conferences or religious bodies for literary, religious or other benevolent purposes," approved March twenty-seventh, one thousand eight hundred and sixty-seven, being section four thousand seven hundred and twenty-two of Howell's Annotated Statutes, as amended by act number thirteen, public acts of one thousand eight hundred and eighty-nine, approved March sixth, one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to read as follows:

Authorized to
incorporate.

SECTION. 1. *The People of the State of Michigan enact*, That it shall be lawful for any number of persons, not less than nine, who may be desirous of forming themselves into

an association, convention, conference or religious body, and who shall sign articles of association for that purpose, to assemble together at such places as they may select, and by a majority vote, by ballot, elect any number of discreet persons, not less three nor more than thirty in number as trustees to take charge of the property belonging to, and to transact all the affairs relative to the temporalities of such association, convention, conference or religious body, with power to lease, give, grant and convey such property, real and personal, by proper lease, deed or other instrument, in the proper form, when thereunto authorized, by a two-thirds majority vote of the members of such corporation present and voting thereon at any annual meeting of such corporation, or a special meeting called for that express purpose, and with all the powers and privileges and subject to all the provisions and restrictions in chapter fifty-five of the general laws of one thousand eight hundred and forty-six, being chapter one hundred and ninety-one of Howell's Annotated Statutes.

Election of trustees.

This act is ordered to take immediate effect.

Approved April 30, 1891.

[No. 49.]

AN ACT to amend sections six and eight of act number one hundred and thirty-six of the public acts of eighteen hundred and eighty-five, being an act entitled, "An act to provide for the appointment, compensation and duties of a stenographer for the sixteenth judicial circuit.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections six and eight of act number one hundred and thirty-six of the public acts of eighteen hundred and eighty-five, being an act entitled "An act to provide for the appointment, compensation and duties of a stenographer for the sixteenth judicial circuit, be and the same are hereby amended so as to read as follows:

SEC. 6. The stenographer so appointed shall receive as a Salary.
compensation for such services the sum of five hundred dollars per annum, which sum shall be paid in monthly installments as hereinbefore provided, out of the county treasury of the county of Macomb, upon the order of the clerk of said county, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation: *Provided,* The circuit judge shall certify *Proviso.* thereon that said services have been faithfully performed.

SEC. 8. To make up and pay the salary specified in section six of this act, the board of supervisors of the said county of Macomb shall annually appropriate the sum of five hundred dollars for such purpose. Appropriation for salary.

Ordered to take immediate effect.

Approved May 1, 1891.

[No. 50.]

AN ACT to provide for the election of electors of President and Vice President of the United States and to repeal all other acts and parts of acts in conflict herewith.

Election of presidential electors.	SECTION 1. <i>The People of the State of Michigan enact,</i> That at the general election next preceding the choice of President and Vice President of the United States, there shall be elected as many electors of President and Vice President as this State may be entitled to elect of Senators and Representatives in Congress, in the following manner,
Electors at large.	that is to say: There shall be elected by the electors of the districts hereinafter defined one elector of President and Vice President of the United States in each district who shall be known and designated on the ballot, respectively, as eastern district elector of President and Vice President of the United States at large, and western district elector of President and Vice President of the United States at large; there shall
Alternates.	also be elected in like manner two alternate electors of President and Vice President, who shall be known and designated on the ballot, as eastern district alternate elector of President and Vice President of the United States at large, and western district alternate elector of President and Vice President of the United States at large, for which purpose
Eastern and western districts.	the first, second, sixth, seventh, eighth and tenth congressional districts shall compose one district to be known as the eastern electoral district, and the third, fourth, fifth, ninth, eleventh and twelfth congressional districts shall compose the other district, to be known as the western electoral district;
District electors and alternates.	there shall also be elected by the electors in each congressional district into which the State is or shall be divided, one elector of President and Vice President, and one alternate elector of President and Vice President, the ballots for which shall designate the number of the congressional district and the persons to be voted for therein, as district elector and alternate district elector of President and Vice President of the United States respectively.
Canvass of votes.	SEC. 2. The counting, canvassing and certifying of the votes cast for said electors at large, and their alternates, and said district electors and their alternates, shall be done, as near as may be, in the same manner as is now provided by law for the election of electors of President and Vice President of the United States.
Duty of Secretary of State.	SEC. 3. The Secretary of State shall prepare three lists of the names of the electors and the alternate electors, procure thereto the signature of the Governor, affix the seal of the State to the same, and deliver such certificates thus signed and sealed to one of the electors on or before the first Wednesday of December next following said general election.
In case of death, etc.	In case of death, disability, refusal to act, or neglect to attend, by the hour of twelve o'clock at noon of said day, of either of said electors at large, the duties of the office

shall be performed by the alternate electors at large, that is to say: The eastern district alternate elector at large shall supply the place of the eastern district elector at large, and the western district alternate elector at large shall supply the place of the western district elector at large. In like case, the alternate congressional district elector shall supply the place of the congressional district elector. In case two or more persons have an equal and the highest number of votes for any office created by this act as canvassed by the board of State canvassers the Legislature, in joint convention, shall choose one of said persons to fill such office, and it shall be the duty of the Governor to convene the Legislature in special session for such purpose immediately upon such determination by said board of State canvassers. In case of tie vote.

SEC. 4. The said electors of President and Vice President shall convene in the senate chamber at the capitol of the State at the hour of twelve o'clock at noon, on the first Wednesday of December immediately following their election and shall proceed to perform the duties of such electors as required by the constitution and the laws of the United States. The alternate electors shall also be in attendance, but shall take no part in the proceedings except as herein provided. Meeting of electors. Alternates to attend.

SEC. 5. Each of said electors and alternate electors shall receive the sum of five dollars for each day's attendance at the meeting of the electors as above provided, and five cents per mile for the actual and necessary distance traveled each way in going to and returning from said place of meeting, the same to be paid by the State Treasurer upon the allowance of the Board of State Auditors. Compensation.

SEC. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. Repealing clause.

Approved May 1, 1891.

[No. 51.]

AN ACT to amend act number one hundred and fifty-four of the public acts of eighteen hundred and sixty-seven, entitled "An act to authorize the organization of Young Men's Christian Associations," as amended by act number sixty of the public acts of eighteen hundred and eighty-five, being chapter one hundred and seventy-seven of Howell's Annotated Statutes, by adding a section thereto to stand as section six of said act.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That act number one hundred and fifty-four of public acts of eighteen hundred and sixty-seven, entitled "An act to authorize the organization of Young Men's Christian Associations," as amended by act number sixty of the public acts of eighteen hundred and eighty-five, being chapter one

hundred and seventy-seven of Howell's Annotated Statutes, be amended by adding thereto a section to stand as section six of said act, said section to read as follows:

Articles of association may be amended.

SEC. 6. Every corporation, organized under the provisions of this act, at any annual meeting, or at any meeting duly called for that purpose may, by a resolution adopted by a vote of two-thirds of the qualified members present and voting at said meeting, amend its articles of association in any manner not inconsistent with the provisions of this act, providing such amendment shall not become operative until a copy of such resolution, signed by the president and secretary of the corporation shall have been recorded, as provided herein for the recording of the original articles of association of such corporation. When so recorded such amendment shall have the same force as though it had been included in the said original articles of association and the record of such resolution or a copy thereof, certified by the Secretary of State of this State under the seal thereof, shall be received in all the courts of this State as *prima facie* evidence of the matter therein stated.

When to become operative.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 52.]

AN ACT to amend the act entitled "An act to revise the laws providing for the incorporation of railroad companies and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," being act number one hundred and ninety-eight of the session laws of one thousand eight hundred and seventy-three, as amended, approved May first, one thousand eight hundred and seventy-three, by adding thereto a new section to stand as section three of article one of said act.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That the act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," being act number one hundred and ninety-eight of the session laws of one thousand eight hundred and seventy-three as amended, approved May first, one thousand eight hundred and seventy-three, be and the same is hereby amended by adding to said act a new section to stand as section three of article one of said act, as follows, to wit:

May surrender special charter, etc.

SEC. 3. Any railroad company incorporated by special charter heretofore granted by the Legislature of this State, may surrender such charter and incorporate under this act.

Such surrender and incorporation may be effected by the passage of a resolution in that behalf by a vote of two-thirds in interest of the holders of the stock of such company, at a meeting called and held for that purpose, as hereinafter provided, and filing in the office of the Secretary of State a certificate signed by the president and secretary of said company, and under its corporate seal, containing:

Certificate to be filed.

Contents of.

(1) A recital of such resolution, so passed by such stockholders; (2) A declaration of such surrender and incorporation; (3) The name by which such new corporation is to be known, which may be the same as the name of such former corporation; (4) The time of existence of such new corporation; (5) The amount of its capital stock, which shall be represented by shares of one hundred dollars each; (6) The total number of shares to be issued to the stockholders of such former company, which shall not exceed the total amount of stock of said corporation then held by said stockholders; (7) The number of directors of such new corporation, which shall not be less than five nor more than fifteen and the names of the persons selected to act as such directors until the first annual meeting of said new corporation. Upon filing such declaration, such surrender and incorporation shall be deemed to be duly and completely effected; and thereupon all and singular all the railroad and other property, and all rights and interests therein, and all contracts and rights of action theretofore owned or possessed by said corporation so surrendering its charter, shall be deemed to be transferred to and vested in such new corporation, as owner thereof, by like title as the same were theretofore held and possessed by said former corporation; and such new corporation shall thereafter hold, possess and enjoy the same in like manner and to the same extent as said corporation so surrendering its charter might and could have done if such surrender had not been made: *Provided, however, That* the property so transferred to and vested in such new corporation shall continue subject to all liens existing thereon at the time of such transfer, and such new corporation shall be subject to all debts and liabilities of said corporation so surrendering its charter; and such debts and liabilities may be enforced against such new corporation to the same extent and in like manner as if the same had been originally incurred by it. A duly certified copy of such declaration, so filed in the office of the Secretary of State, shall be *prima facie* evidence of the due incorporation of the company named therein. The meeting of the stockholders of any such company, at which the resolution hereby required shall be passed, shall be called by the board of directors of such company by a resolution passed by a majority of said board, at a meeting duly called and held in accordance with the by-laws of said company, and notice of the time when and the place where said stockholders' meeting is to be held, and the purpose thereof, shall be published at least once a week for the twelve successive weeks immediately prior to the date of said

Effect of filing such declaration.

Proviso continuing liens etc.

How meeting of stockholders called, etc.

Notice to be published.

meeting, in a newspaper of general daily circulation, published in the cities of Detroit, New York and Chicago, respectively, and also in a newspaper published in the city or township where the general office of said company is situated, if not situated in the city of Detroit.

Approved May 1, 1891.

[No. 53.]

AN ACT making appropriations for the Michigan School for the Deaf, for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two.

Appropriation
for current
expenses.

SECTION 1. *The People of the State of Michigan enact,* That the sum of fifty-six thousand eight hundred dollars be and is hereby appropriated to meet the current expenses of the School for the Deaf for the year eighteen hundred and ninety-one, and the like sum of fifty-six thousand eight hundred dollars for the year eighteen hundred and ninety-two.

Further appro-
priation and pur-
poses of.

SEC. 2. The further sum of three thousand five hundred dollars is appropriated for the following purposes, viz., for the year eighteen hundred and ninety-one: For painting and calcimining, six hundred dollars; for library, two hundred and fifty dollars; for fencing and tiling lands, three hundred dollars; for decorating and repairing chapel, three hundred dollars; for steam mangle, four hundred dollars; for rental of land, two hundred dollars; for bedsteads and mattresses, four hundred dollars. For the year eighteen hundred and ninety-two: For painting and calcimining, six hundred dollars; for library, two hundred and fifty dollars; for rental of lands, two hundred dollars. Total for special purposes for eighteen hundred and ninety-one and eighteen hundred and ninety-two, three thousand five hundred dollars.

How paid, etc.

SEC. 3. The several sums mentioned in this act are hereby appropriated out of the general fund in the State treasury, and shall be paid to the board of trustees of the Michigan School for the Deaf upon their requisition, at such times and in such amounts as they may certify to be necessary to meet the immediate needs of the school and provide for its best interests: *Provided,* That requisition upon any account shall not be granted till vouchers, covering the expenditures of moneys already drawn upon such account have been rendered.

Proviso.

Tax for.

SEC. 4. Of the above appropriation the Auditor General shall add and incorporate with the State tax for the year eighteen hundred and ninety-one, fifty-nine thousand four hundred and fifty dollars, and for the year eighteen hundred and ninety-two, fifty-eight thousand and fifty dollars.

Repealing
clause.

SEC. 5. All acts or parts of acts contravening the pro-

visions of this act, are, so far as they apply to the Michigan School for the Deaf, hereby repealed.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 54.]

AN ACT to amend section eight of chapter three of act number two hundred forty-three of the session laws of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June 8, 1881, the same being compiler's section number one thousand three hundred forty-six, Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section eight of chapter three of act number two hundred forty-three of the session laws of eighteen hundred eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State," approved June 8, 1881, the same being part of chapter twenty-nine, and section one thousand three hundred forty-six of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

SEC. 8. Every overseer shall have power to require a cart, wagon, plow, scraper or road machine, with a yoke of oxen or span of horses or more than one yoke of oxen or span of horses if needed to properly do the required work, and a man or men to manage them, to be furnished by any person having the same within his district, who shall have been assessed and shall be liable for highway labor for three days or more and each implement named in this section, team or man furnished pursuant to such requisition shall be deemed equivalent to one day's labor: *Provided,* Proviso. That any person who shall, under the provisions of this section, be required to furnish a road machine, may receive additional compensation therefor, not to exceed six dollars per day for one machine with man and team to manage the same.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 55.]

AN ACT authorizing the incorporation of poultry and pet stock associations in the State of Michigan.

May incorporate,
etc.

SECTION 1. *The People of the State of Michigan enact,* That any five or more persons may associate themselves together for the purpose of promoting the interests of poultry men and fanciers of poultry and pet stock, and kindred interests.

Notice of intention to be published,

SEC. 2. The persons intending to become a body corporate for the above named purpose, shall publish a notice of their intention to meet for organization two successive weeks, in a newspaper in the city or township where such meeting is to be held. Said notice to state the object of the meeting, when and where held, and to be signed by three or more persons interested in organizing said corporation. Said meeting to be open to the public.

Articles of association, contents of,

SEC. 3. The articles of association adopted at the meeting provided for in section two of this act, shall specify:

First, The names of the officers and objects of association;

Second, The limit of capital stock, which shall not exceed five thousand dollars;

Third, The limit of subscription of members, which in no case shall exceed one hundred dollars: *Provided, however,* That no person shall have more than his personal vote, no matter what his subscription shall be;

Fourth, The number of shares of stock and the par value of each share.

Where to be filed,
etc.

SEC. 4. The articles of association, duly acknowledged by the stockholders, together with a certificate signed by the secretary, stating the amount of subscriptions paid in, shall be registered in the county clerk's office where the association is organized, and a copy of the same shall be filed with the Secretary of State.

When to be body corporate.

SEC. 5. On complying with the requirements of the above sections of this act, the association so organized shall be a body corporate, and shall be capable of suing and being sued in any county of this State; may have a common seal and may alter or amend the same at pleasure; and may make such by-laws and regulations, not inconsistent with its articles and this act, as may be found desirable to promote the efficiency of the organization: *Provided,* That the by-laws shall not exclude any citizen of Michigan from membership of the association, attending the exhibitions, or participating in its discussions, who shall subscribe for a share of stock and pay therefor such sum annually as the association shall prescribe by its by-laws.

Proviso.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 56.]

AN ACT to authorize the incorporation of Veterinary Medical Associations.

SECTION 1. *The People of the State of Michigan enact,* Incorporation provided for.
That corporations may be organized under the provisions of this act for the acquisition and dissemination of knowledge pertaining to veterinary medicine and surgery, and for the elevation of the standard of professional education, and the association of members of the veterinary profession for mutual recognition, advancement, and fellowship.

SEC. 2. That any nine persons who shall be actual practitioners of veterinary medicine and surgery, who shall be residents of the State of Michigan, who shall have received the degree of doctor of veterinary medicine and surgery from any medical school or college, who may desire to become incorporated for the purposes set forth in section one of this act, may execute under their hands and acknowledged before some person within this State authorized to take acknowledgments of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy Number of incorporators, etc. whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof from the said Secretary of State, in the office of the county clerk for the county in which the office of said association for the transaction of business may be located. And, upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate for the purposes set forth in such articles. Articles to be filed, etc.

SEC. 3. The articles of such association shall contain:

First, The names of the persons associating in the first instance, and their places of residence; Contents of articles, etc.

Second, The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third, The object for which it is organized;

Fourth, The number of directors and regular officers, and the time and place for holding its annual [meeting] meetings: *Provided, however,* That such [association] associations may, in its articles of association or by-laws, provide for, and appoint other meetings thereof than the annual meeting, to be held when and where the association may from time to time designate and appoint;

Fifth, The terms and conditions of membership therein: *Provided,* That any such association may, if it so specifies in its articles of association, admit as members thereof, subsequent to its becoming incorporated, any person who has sustained a reputable practice in the State of Michigan or elsewhere as a veterinarian for two years, with at least one

year's previous study in the office of a reputable veterinarian, or one collegiate year in a reputable veterinary college, and who satisfies the association thereof in such way as it may prescribe: *Provided further*, That the terms and conditions of admission to membership in such association, after the incorporation thereof, shall at all times conform to and be governed by the law of this State, if any there may be, regulating the practice of veterinary medicine and surgery.

Management of affairs, etc.

SEC. 4. The affairs of said corporation shall be managed by the executive committee and officers of the society to be chosen for such period and in such manner as the by-laws of such association may provide, and who shall hold their offices until their successors are elected and qualified. The officers shall be chosen in conformity with the by-laws of such corporation adopted and changed by the members as the by-laws may prescribe, not inconsistent with said articles of association. All officers and members, except honorary members of such corporation, shall be residents of the State of Michigan.

To be residents.

Powers of corporation.

SEC. 5. The corporation may sue or be sued in its corporate name, take by gift, purchase or devise, property exclusive of that actually used and necessary for the transaction of its legitimate business, to an amount not exceeding ten thousand dollars.

Secretary to compile and print report, etc.

SEC. 6. It shall be the duty of the secretary of associations organized under this act to compile a printed report of the transactions of said association, including copies of papers read at its meetings, reports of facts collected, discoveries made, and experience gained, at the end of the month of December in each year, one copy of which printed report shall be deposited in the office of the Secretary of State, one in the State Library, one in the medical library at Ann Arbor, and at least one retained in the office of said secretary of said association.

To deposit copies, etc.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 57.]

AN ACT making an appropriation for the Michigan School for the Blind for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That there be and hereby is appropriated from the general fund, the sum of twenty-three thousand dollars to meet the current expenses of the Michigan School for the Blind for the year eighteen hundred and ninety-one, and the further sum of twenty-three thousand dollars to meet the current

Purpose.

expenses of the Michigan School for the Blind for the year eighteen hundred and ninety-two.

SEC. 2. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and ninety-one the sum of twenty-three thousand dollars, and for the year eighteen hundred and ninety-two the sum of twenty-three thousand dollars, which sums when collected shall be placed to the credit of the general fund to reimburse it for the sums appropriated by this act.

To be incorporated in tax of 1891-2.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 58.]

AN ACT to amend section eight of act number one hundred and seventy-four of the session laws of eighteen hundred and seventy-one, entitled "An act to provide for the appointment of a State Reporter," as amended by act number one hundred and thirty-seven of the session laws of eighteen hundred and seventy-three, being section seven thousand two hundred and two of Howell's Annotated Statutes.

SECTION. 1. *The People of the State of Michigan enact*, That section eight of act number one hundred and seventy-four of the session laws of eighteen hundred and seventy-one, entitled "An act to provide for the appointment of a State Reporter," as amended by act number one hundred and thirty-seven of the session laws of eighteen hundred and seventy-three, being section seven thousand two hundred and two of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 8. The State reporter shall receive an annual salary of fifteen hundred dollars and his actual and necessary expenses for clerk hire, to be fixed by the Supreme Court from time to time as the needs of his office demand; and also his actual and necessary expenses incurred by him in attending the sessions of the Supreme Court, which salary, clerk hire and expenses shall be paid monthly, upon a warrant of the Auditor General upon the State Treasurer, approved by the chief justice of the Supreme Court, and shall be paid out of the general fund. Whenever any State reporter shall be removed from office or shall resign, his successor in office shall have the right of possession of all papers in the hands of such reporter, by virtue of his office, at the date of such removal, or at the time such resignation shall take effect.

Salary of State reporter.

How paid.

Successor entitled to papers, etc.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 59.]

AN ACT to amend sections one, two and three of act number one hundred and twenty-two of the public acts of the year one thousand eight hundred and seventy-seven, entitled "An act for the incorporation of associations for yachting, hunting, fishing, boating, rowing and other lawful sporting purposes," approved May fourteenth, eighteen hundred seventy-seven, the same being sections four thousand eight hundred and seventeen, four thousand eight hundred and eighteen and four thousand eight hundred and nineteen of Howell's Annotated Statutes of the State of Michigan.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two and three of act number one hundred and twenty-two of the public acts of the year one thousand eight hundred and seventy-seven, entitled "An act for the incorporation of associations for yachting, hunting, fishing, boating, rowing and other lawful sporting purposes," approved May fourteenth, eighteen hundred seventy-seven, the same being sections four thousand eight hundred and seventeen, four thousand eight hundred and eighteen and four thousand eight hundred and nineteen of Howell's Annotated Statutes of the State of Michigan, be and the same are hereby amended so as to read as follows:

Who may be
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That any ten or more persons of full age, at least six of whom shall be residents and citizens of this State, who shall desire to associate themselves together as a body corporate and politic for yachting, hunting, fishing, boating, rowing, general athletic or other lawful sporting purposes, may make, sign and acknowledge before any officer authorized to take acknowledgments of deeds in this State, articles of association in writing which shall set forth and state:

Articles of
association,
contents.

First, The name or title by which the association so formed shall be known in law;

Second, The particular objects or purposes for which such association is formed, which shall not be inconsistent with the purposes hereinbefore specified;

Third, The location of the principal office or place of business of such association and the period for which the same is incorporated, which shall not exceed thirty years;

Fourth, The number of directors to manage the affairs of such association, which shall not be less than five nor more than fifteen.

Where filed, etc.

Which said articles of association, duly signed and acknowledged, shall be filed and recorded in the office of the Secretary of State of this State and in the office of the county clerk of the county in which the principal office and place of business of such association shall be situated, in a book to be kept for that purpose; and thereupon the persons so signing and acknowledging the said articles of association,

together with their associates and successors, shall be and become a body politic and corporate by and under the name stated in such articles of association, and by that name they and their successors shall and may have succession and shall be and become persons in law, capable of suing and being sued, and may have and adopt a common seal and the same may alter and change at pleasure: *Provided*, That nothing in this act contained shall authorize the formation of any association for any purpose repugnant to or inconsistent with the statutes of this State, or prohibited thereby.

Proviso.

SEC. 2. Such association, by its corporate name, shall be capable of receiving, taking, acquiring and holding real and personal estate, whether by gift, grant, devise, bequest, purchase, lease or bargain or sale, for the purposes of its incorporation only, and for no other purpose or purposes whatsoever, and the same may at pleasure bargain, grant, sell, mortgage, or lease for the use of the association only: *Provided*, That the total amount of real estate held or possessed by any such association, directly or indirectly, shall not exceed in amount at any one time twelve and one-half acres of land; and such association shall have full power and authority to make and adopt all necessary rules, regulations, constitutions and by-laws for the government of its members and the management and control of its business and affairs, not inconsistent with or contrary to the constitution and laws of this State or of the United States, and to change, amend, alter or repeal the same at pleasure, and to elect and appoint officers and agents for the management of its affairs and to allow them suitable compensation. Such association shall have full power and authority to regulate and determine by its articles of association, rules, regulations, constitution or by-laws the amount of the capital stock thereof, which in no case shall exceed the sum of one hundred and fifty thousand dollars, the number of shares into which the same shall be divided and the par value of such shares, in case such association be formed and organized as a joint stock association; and shall have full power and authority to make and adopt such rules and regulations concerning and governing the admission of members, the [descent] decent, inheritance, purchase or transfer of its capital stock, or the expulsion or suspension of its members for infraction or violation of any of its rules, regulations, constitutions or by-laws that it may deem necessary and proper.

Authorized to hold real and personal estate, etc.

Proviso limiting real estate.

May make by-laws, etc.

Capital stock, etc.

SEC. 3. The first meeting of such association, for the election of directors and the adoption of a constitution, by-laws, rules or regulations for the government of the association, and the management and control of its business and affairs, shall be called in the manner following, that is to say: Ten or more [of the] persons signing such articles of association may sign and file in the office of the said county clerk and of the Secretary of State a written call for or notice of such first meeting, which call or notice shall

First meeting.

Call for.

briefly set forth the day, hour and place of such meeting, which shall not be less than four nor more than eight weeks from the date of filing such call or notice, and shall state the purposes for which such meeting is called. A copy of such call or notice shall be published in some paper printed and circulating in the county in which the principal office or place of business of such association is to be located once a week for three successive weeks next preceding the time of such meeting: *Provided*, That if all the persons signing such articles of association shall sign and file with the articles of association in the offices of said county clerk and of the Secretary of State an agreement in writing naming, fixing and agreeing upon a day, hour and place for the holding of such first meeting, and the purposes thereof, the filing of a call therefor or notice thereof and the publication of a copy of such notice hereinbefore required shall be unnecessary and may be dispensed with. At such first meeting there shall be elected the directors of the association to the number fixed and determined by the articles of association, who shall hold office for the terms or periods provided by the constitution or by-laws of the association; and, in default of any such provision, then for the term of one year. The time, place, and manner of holding subsequent elections of directors of the association, and their terms of office, may be fixed and determined by the constitution and by-laws of the association as adopted or amended from time to time, and, at the first or any subsequent election of directors, they may be elected for varying or different terms or periods of office, as provided by the constitution or by-laws, in such manner as to prevent and avoid the expiration of the terms of office of all of the directors of such association at the same time. The directors of the association shall constitute the board of directors thereof, and shall have the general control and management of the funds and the business and affairs of the association, subject to the restrictions and provisions of the articles of association, rules, regulations, constitution or by-laws of the association. A majority of the said board shall constitute a quorum for the transaction of all business, except when otherwise provided by the articles of association, constitution or by-laws of the association, and when any vacancy shall occur among such directors by death, resignation, neglect to serve, ineligibility or otherwise, such vacancy shall be filled in such manner as may be provided by the constitution or by-laws of the association. All directors of any such association shall be, at the time of their election and during their term of office, residents of this State. The board of directors shall elect from their own number a president, vice president, secretary and treasurer, and may elect or appoint all other officers or committees that may be provided for by the constitution or by-laws of the association. In the case of associations formed or existing under this act for the purpose of yachting, row-

To be published.

Proviso.

Election of directors.

Powers of directors.

Officers of.

Designation of certain officers.

ing, boating or other similar sporting purposes, the president and vice president may be known and designated respectively as commodore and vice commodore, or by other similar or appropriate titles, as provided by the constitution or by-laws of such association: *Provided*, That the constitution or by-laws of any association formed or existing under the provisions of this act may provide for the election of the president, commodore, or any other principal officer or officers of such association, who shall be, by virtue of his office, a member of the board of directors of such association, directly by ballot of the members of the association, instead of the election of the full number simply as directors and the subsequent election by the board of directors of such officer or officers as hereinbefore provided for.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 60.]

AN ACT to amend sections five and nine of act number one hundred forty of the public acts of eighteen hundred eighty-nine, being an act entitled "An act to authorize the formation of corporations for acquiring, holding, leasing and selling real estate, and for the erection of buildings thereon," approved June eighth, eighteen hundred eighty-nine.

SECTION 1. *The People of the State of Michigan enact*, Sections amended.
That sections five and nine of act number one hundred forty of the public acts of eighteen hundred eighty-nine, being an act entitled "An act to authorize the formation of corporations for acquiring, holding, leasing and selling real estate, and for the erection of buildings thereon," approved June eighth, eighteen hundred eighty-nine, be and the same are hereby amended so as to read as follows:

SEC. 5. The stock, property and affairs of such corporation shall be managed by not less than five nor more than thirteen directors, as the articles shall determine, a majority of whom shall be residents of this State; they shall hold their office one year, and until their successors shall be duly chosen. Directors, number of, etc.

SEC. 9. Every corporation organized under this act shall have power to acquire, own and hold all such real estate and personal estate as may be necessary for the purpose of carrying on the business of such corporation, and the same or any part thereof convey, lease or demise, mortgage, improve, use and dispose of at pleasure: *Provided*, That the lands any such corporation may hold at one time shall not exceed one thousand acres. The title to such real estate shall not remain in such corporation for a term exceeding seven years. Every such corporation shall also have power, May own real and personal estate, etc. May borrow money.

being first authorized by its stockholders at a meeting duly called for such purpose, to borrow money and to secure the payment thereof, and to issue its bonds therefor, secured by mortgage on its property.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 61.]

AN ACT to provide for the collection of delinquent drain taxes in Monroe county which were assessed under act number two hundred and twenty-seven of the public acts of one thousand eight hundred and eighty-five, and under that act as amended by public acts of one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-nine, and not properly returned to the Auditor General.

Collection of certain delinquent drain taxes.

SECTION 1. *The People of the State of Michigan enact,* That all drain taxes assessed in Monroe county, under act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, and under the acts amendatory thereof, which were regularly returned to the county treasurer of Monroe county, and were not returned by him to the Auditor General in accordance with said act, or were not returned to the Auditor General at all, or such taxes for the payment of which lands have not been offered for sale by the Auditor General, as prescribed by said act, or by said act as amended, shall be collected in the same manner as is or may be provided for the collection of other drain taxes which may be returned as delinquent to the county treasurer of said county in February or March of eighteen hundred and ninety-one, which said delinquent drain taxes shall be treated in all respects in reference to their enforcement and collection by the said county treasurer and by the officers who are or may be empowered to collect delinquent taxes or sell lands therefor, as though such delinquent taxes were returned to the said county treasurer, regularly, by the various township treasurers in February or March, eighteen hundred and ninety-one. The county treasurer of said county, if he shall have made his returns to the Auditor General of the delinquent taxes assessed for the year eighteen hundred and ninety, shall as soon as practicable make a supplemental return to the Auditor General of said delinquent drain taxes, which return shall be received by the Auditor General the same as though made at the same time and with such delinquent taxes for the year eighteen hundred and ninety, and shall become a part of the return of delinquent taxes for said year eighteen hundred and ninety, and shall thereafter be treated in all respects by all officers having to do with the collection of delinquent

County treasurer to make supplemental returns.

taxes, as though regularly returned with said delinquent taxes for eighteen hundred and ninety.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 62.]

AN ACT to provide for the laying out and establishing a State road in Bay county, to be known as "The Bangor State road."

SECTION 1. *The People of the State of Michigan enact,* Supervisors to establish State road.
That there shall be laid out and established by the board of supervisors of Bay county, a State road, the center line of which is described as follows, to wit: Commencing at a Location of. point in the center line of Belinda street in Bay City, Michigan, where the south line of Mercer street of said Bay City, Michigan, intersects the same, thence north fifteen degrees ten minutes west on center line of Belinda street five hundred forty-two and seventy-five one-hundredths feet to angle of riparian line, thence north eleven degrees 30 minutes west on riparian line two hundred thirty-eight feet to Saginaw river, thence north eleven degrees thirty minutes west on same line produced nine hundred fifty-eight and fifty one-hundredths feet to dock line on south side of Saginaw river, thence north eleven degrees thirty minutes west on same line produced five hundred eighty-four and fifty one-hundredths feet to dock line on north side of Saginaw river, thence north eleven degrees thirty minutes west on same line produced two hundred forty-two feet to center line of Water street in West Bay City, Michigan, thence south eighty degrees fifteen minutes west on center line of Water street two hundred eighty-six feet to center line of Green street, thence north nine degrees forty-five minutes west on center line of Green street seven hundred eighty and sixty-five one-hundredths feet to center line of Fourth street, thence south eighty degrees fifteen minutes west on center line of Fourth street eleven hundred fifty-two and forty one-hundredths feet to center line of Bangor street, thence north nine degrees forty-five minutes west on center line of Bangor street twenty-seven hundred fifty-six and fifty one-hundredths feet to section line between sections nine and sixteen, town fourteen north, range five east, thence north eighty-eight degrees twelve minutes west on section line between sections nine and sixteen, town fourteen north, range five east, thirty-one hundred feet to corner of sections eight, nine, sixteen and seventeen, town fourteen north, range five east, thence north eighty-eight degrees fifty-seven minutes west on section line between sections eight and seventeen, town fourteen north, range five east, eleven

hundred ninety-four feet to center of Au Sable State road, all in Bay county, State of Michigan.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 63.]

AN ACT to punish fraudulent entries and practices in speed contests.

Fraudulent
entry in speed
contests.

SECTION 1. *The People of the State of Michigan enact,* That if any person or persons shall knowingly and corruptly enter, or cause to be entered for competition, or to compete for any prize, purse, premium, stake, or sweepstakes, offered by any agricultural society or driving club, or other society organized under the laws of this State, or by any association of persons in this State where the same is to be decided by a contest of speed, any horse, mare, gelding, colt or filly, under an assumed or false name, or out of its proper class or division, with intent to cheat or deceive such society or organization or association, he shall on conviction be punished by imprisonment in the State Prison for a term not exceeding three years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Penalty.

Class or division,
how determined.

SEC. 2. The class or division in which an entry is made, within the meaning of this act, shall be determined by the rules and regulations of the society, organization or association under whose auspices the contest is to be conducted and the published terms and conditions under which the prize, purse, premium, stake or sweepstakes, is offered, opened or announced.

True name
defined.

SEC. 3. The true name of any horse, mare, gelding, colt or filly, within the meaning of this act, shall be the name by which it is known under and according to the rules and regulations of such society, organization, or association, and the name by which any horse, mare, gelding, colt or filly has once competed for any prize, purse, premium, stake or sweepstakes, shall be regarded as its true name, unless the name is changed as provided by said rules and regulations.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 64.]

AN ACT making an appropriation for the purchase of books for the State library, and for other purposes pertaining to the State library for the years eighteen hundred ninety-one and eighteen hundred ninety-two.

Appropriation.

SECTION 1. *The People of the State of Michigan enact,* That the sum of four thousand dollars for the year one

thousand eight hundred and ninety-one, and the sum of four thousand dollars for the year one thousand eight hundred and ninety-two, be and the same is hereby appropriated out of any money in the treasury of the State to the credit of the general fund, not otherwise appropriated, for the purchase of books for the State library.

SEC. 2. The State librarian is hereby authorized to employ, with the approval of the Governor, such assistance as may be necessary for the care and management of the library, at a salary not exceeding eight hundred dollars per annum for each person so employed. Librarian may employ assistance.

SEC. 3. The money so appropriated shall be drawn from the State treasury upon warrant of the Auditor General, and shall be expended by the State librarian with the advice and consent of the Governor for the purpose aforesaid. How money drawn, etc.

This act is ordered to take immediate effect.

Approved May 7, 1891.

[No. 65.]

AN ACT to detach the counties of Gogebic and Ontonagon from the twelfth judicial circuit and to form a judicial circuit therefrom to be known as the thirty-second judicial circuit.

SECTION 1. *The People of the State of Michigan enact,* That the counties of Gogebic and Ontonagon are hereby detached from the twelfth judicial circuit and are hereby formed into and constituted a judicial circuit to be known as the thirty-second judicial circuit. Counties detached. Thirty-second judicial circuit formed.

SEC. 2. The office of circuit judge of the thirty-second judicial circuit hereby created shall be vacant from the time this act takes effect, which said vacancy shall be filled by appointment by the Governor. The person so appointed shall be a resident of said circuit and shall hold his office from the time of such appointment until the first general election thereafter and until his successor is duly elected and qualified. At the general spring election to be held in the year eighteen hundred and ninety-three and at the general spring election to be held every six years thereafter the qualified voters and electors of the counties comprising the said thirty-second judicial circuit, shall elect a circuit judge for said circuit, who shall be a resident of said circuit and who shall hold his office for the term of six years from and after the first day of January after his election and until his successor is elected and qualified. Vacancy declared, how filled. Election of judge.

SEC. 3. The circuit judge of the said twelfth judicial circuit, shall have power in the said counties which are hereby detached from said twelfth judicial circuit to settle bills of exceptions, sign and grant decrees, decide and determine cases now submitted to him, and to do all judicial acts in Judge of twelfth judicial circuit to settle bills of exception, etc.

any cause now submitted to him the same as if this act had not been passed, and may grant all writs of *habeas corpus*, *certiorari* and injunction at any time in any of the said counties respectively until the appointment and qualification of a circuit judge in the said thirty-second judicial circuit.

Conduct of
elections, etc.

SEC. 4. The said elections for circuit judge shall be conducted and returns made as prescribed by law for the election of circuit judges in the several judicial circuits of this State, and the State board of canvassers shall, without delay, on the receipt of the returns from said counties, proceed to canvass the votes and to deliver to the persons elected, a copy of their determination, or certificate of election as required by law.

Ordered to take immediate effect.

Approved May 7, 1891.

[No. 66.]

AN ACT to set apart certain swamp lands in Wild Fowl bay in township sixteen north, range nine east, in the county of Huron in this State, for public shooting grounds.

Lands set apart.

SECTION 1. *The People of the State of Michigan enact*, That all of the lands belonging to the State of Michigan and being in township sixteen north, range nine east, in Wild Fowl bay, in the county of Huron, in this State, commonly known as the "middle ground," lying between [Maison] Maison island, in Saginaw bay, and the main land, shall be and is hereby set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of this State.

Who are trespassers.

SEC. 2. All persons who now have or shall hereafter locate upon or occupy any part of such lands except as herein provided shall be considered trespassers and may be prosecuted as trespassers upon the public lands in the manner now provided by law.

Lawful to hunt,
etc., in season.

SEC. 3. It shall be lawful for any and all persons to go upon any parts of said lands at any and all times permitted by the game laws of this State for the purpose of hunting or shooting wild fowl or game thereon; but no person or persons shall hunt or shoot wild fowl or game on said lands or any part thereof at any season or time or manner not permitted by the game laws of this State, and any person violating any game laws of this State by hunting wild fowl or game on any of said lands shall be punished as provided by law.

Control of said
lands.

SEC. 4. Said public shooting grounds shall be under the control of the Commissioner of the Land Office of this State and it shall be his duty to make such rules and regulations

as he may deem necessary or proper for the management and regulation of the same and to see that the same are obeyed, and he shall furnish to any and all persons, on request, copies of such rules and regulations.

Ordered to take immediate effect.

Approved May 8, 1891.

[No. 67.]

AN ACT to provide for the purchase or condemnation of the franchise of plank or toll road companies by electric or street railroad companies.

SECTION 1. *The People of the State of Michigan enact,* Franchise may be acquired. That any street or electric railway company of this State may purchase all or any portion of the rights and franchise of any toll road company, in any of the streets, avenues or highways of this State, at a valuation to be agreed upon between the directors of the said electric or street railway companies and the board of directors of said toll or plank road company.

SEC. 2. In case no agreement can be reached for the purchase of the right of such toll road company, said electric or street railway company is authorized to condemn such rights and franchise of said toll or plank road company, in which condemnation such street or electric railway company shall proceed as in the condemnation of lands or franchises for railroad purposes under chapter ninety-one of the third volume of Howell's Annotated Statutes, being chapter seventy-five of the compiled laws of one thousand eight hundred and seventy-one, and all acts amendatory thereto, so far as the same are applicable: *Provided, however,* In case of non-agreement. That said street or electric railway company shall only condemn that part of the franchise of said toll or plank road company as may lie between its old established road bed and the side line of the street, except where it may be necessary to cross the street or go where a toll house may happen to be located: *Pro-* Provide. *vided,* Further proviso. That the provisions of this act shall not be so construed as to [affect] effect the rights of abutting property owners or the rights of the public in such highways.

Approved May 8, 1891.

[No. 68.]

AN ACT to amend sections one, three and four of act number one hundred and fifty-six, of the session laws of eighteen hundred and eighty-three, as amended by act number one hundred and eighty-nine, of the session laws of eighteen hundred and eighty-five, being an act creating

a bureau of labor and industrial statistics, and defining the powers and duties of the same, and to add a new section thereto to stand as section eight.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, three and four, of act number one hundred and fifty-six, of the session laws of eighteen hundred and eighty-three, as amended by act number one hundred and eighty-nine, of the session laws of eighteen hundred and eighty-five, being "An act creating a bureau of labor and industrial statistics, and defining the powers and duties of the same," approved June twelve, eighteen hundred and eighty-five, be and the same are hereby amended so as to read as follows, and to add a new section to said act to stand as section eight, to read as follows:

Appointment of
Commissioner of
Labor.

SECTION 1. The Governor is hereby authorized and empowered to appoint, within sixty days after this act shall take effect, and every second year thereafter, in the month of February, by and with the advice and consent of the Senate, and also within thirty days after the occurrence of any vacancy in the office, a suitable person, who shall be a citizen of this State, as commissioner, who shall hold his office until his successor is appointed and qualified, the title of which officer shall be commissioner of labor. The office of the commissioner appointed for a full term under this act after the year eighteen hundred and eighty-three, shall commence on the first day of March, next after such appointment. Such commissioner shall keep his office at the capitol, in the city of Lansing, and shall appoint a deputy, whose term of office shall continue during the pleasure of such commissioner. The commissioner may appoint such assistants from time to time, as shall be necessary for the transaction of the business of his office. Said commissioner, with his deputy, and the Secretary of State, who shall be *ex officio* member thereof, shall constitute a bureau of statistics of labor.

Term of.

Location of
office.

May appoint
deputy and
assistants.
Who to constitute
labor bureau.

Powers of, rela-
tive to examining
witnesses.

SEC. 3. Such bureau or any member thereof, shall have full power to examine witnesses on oath, compel the attendance of witnesses, the giving of testimony and the production of papers while acting in any part of this State, and witnesses may be summoned by such bureau, or any member thereof, by its process in the same manner, and paid the same fees as are allowed to witnesses attending in the circuit court of any county. Any person duly subpoenaed under the provisions of this section, who shall willfully neglect to attend or testify at the place named in the subpoena served for such purpose, shall be guilty of a misdemeanor, and on conviction before any court of competent jurisdiction, may be punished by a fine not exceeding fifty dollars or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment in the discretion of the court: *Provided*, No witness shall be compelled to go outside the county in which he resides to testify.

Proviso.

SEC. 4. The compensation of such commissioner shall be two thousand dollars per annum, and that of his deputy fifteen hundred dollars per annum, which compensation, together with all necessary expenses, including the employment, and paying the expenses of such assistants as are provided for in section one of this act, also the expenses provided for in section three of this act, shall be audited and paid in the same manner as the salaries and expenses of other State officers: *Provided*, The amount thereof, exclusive of the compensation allowed to said commissioner and his said deputy, shall not, in any one year, exceed the sum of eight thousand dollars: *And provided further*, That in addition to the above allowance for expenses, said bureau shall be authorized to have printed not to exceed four thousand copies of its annual reports for the use of the bureau, for general distribution, and all printing, binding, blanks or map work shall be done under any contract which the State now has, or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Salaries of commissioner and deputy.

Other expenses, how provided for and paid.

Provided.

Further proviso.

As to printing annual reports.

SEC. 8. The commissioner or his deputy shall have power to enter any factory or workshop, when open or in operation, for the purpose of gathering facts and statistics relating [to] hours of labor, wages, industrial, economic and sanitary questions or matters; and if the owner or occupants, or his or her agent or agents, shall refuse to allow the officers of said bureau to so enter, then said owner or occupant, or his or her agent, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars, to be recovered in an action of debt to be instituted by the order of the commissioner of labor in an action wherein the State of Michigan shall be plaintiff.

How information may be collected.

This act is ordered to take immediate effect.

Approved May 8, 1891.

[No. 69.]

AN ACT to amend section two hundred and seventeen, of act number one hundred and seventy-three of the session laws of one thousand eight hundred and fifty-five, entitled "An act to amend chapter ninety-three of the revised statutes of one thousand eight hundred and forty-six, entitled 'of courts held by justices of the peace,' being compiler's section seven thousand and thirty-two of Howell's Annotated Statutes of the State of Michigan.

SECTION. 1. *The People of the State of Michigan enact*, That section two hundred and seventeen, of act number one hundred and seventy-three, of the session laws of one thousand eight hundred and fifty-five, entitled "An act to

Section amended.

amend chapter ninety-three of the revised statutes of one thousand eight hundred and forty-six, entitled 'of courts held by justices of the peace,' being compiler's section seven thousand and thirty-two of Howell's Annotated Statutes of the State of Michigan, be and the same is hereby amended so as to read as follows:

Notice and affidavit in case of certiorari.

(§7032.) SEC. 217. The party intending to apply for such *certiorari* shall give the justice notice in writing within five days after the rendition of the judgment, of his intention of removing the cause to the circuit court or district court by *certiorari*; and shall within thirty days make or cause to be made an affidavit, setting forth the substance of the testimony and proceedings before the justice, and the grounds upon which an allegation of error is founded.

Approved May 9, 1891.

[No. 70.]

AN ACT to require notice of the commencement of suits in ejectment and certified copies of all final judgments rendered therein to be filed and recorded.

Notice of commencement of action to be filed in office of register of deeds.

SECTION 1. *The People of the State of Michigan enact,* That hereafter upon the commencement of any action of ejectment, the plaintiff shall file for record in the office of the register of deeds of the county wherein the land sought to be recovered are situated, a notice of the pending of such suit in ejectment, setting forth its title and the general effect thereof and a description of the lands to be affected thereby and the party in whose favor any final judgment in ejectment shall be rendered shall, within thirty days after the rendition thereof, file for record in said register's office, a duly certified copy of said final judgment, and in case of failure so to do, the commencement of said suit or the rendition of said judgment shall not be operative as constructive notice to purchasers of said real estate of the right or title of said plaintiff or of any right or title established by said final judgment, until such notice of suit, or certified copy of judgment shall be so filed for record.

Certified copy of final judgment to be filed.

Duty of register.

SEC. 2. It shall be the duty of the register to receive, file and record such notice and certified copies of judgments in a book kept for that purpose upon paying to him the fees allowed by law for recording deeds of conveyance.

Approved May 9, 1891.

[No. 71.]

AN ACT to amend sections two, five and six of act number one hundred and twenty-seven of the public acts of one thousand eight hundred and seventy-nine, as amended by act number forty-nine of the public acts of one thousand eight hundred and eighty-one, being compiler's sections one thousand five hundred and thirty-eight and one thousand five hundred and forty-one of Howell's Annotated Statutes, as amended by act number twenty of the public acts of one thousand eight hundred and eighty-three, relative to the inspection of illuminating oils.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections two, five and six of act number one hundred and twenty-seven of the public acts of one thousand eight hundred and seventy-nine, as amended by act number forty-nine of the public acts of one thousand eight hundred and eighty-one, being compiler's section one thousand five hundred and thirty-eight and one thousand five hundred and forty-one of Howell's Annotated Statutes, as amended by act number twenty of the public acts of one thousand eight hundred and eighty-three, relative to the inspection of illuminating oils, be and the same are hereby amended so as to read as follows:

SEC. 2. The State inspector provided for in this act is hereby empowered to appoint a suitable number of deputies, Appointment of deputies. which deputies are hereby empowered to perform the duties of [inspection] inspector, and shall be liable to the same penalties as the State inspector: *Provided,* That the State inspector may remove any of said deputies for reasonable cause. Proviso as to removal. It shall be the duty of the inspector and his deputies to provide themselves, at their own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils and, when called upon for that purpose, to promptly inspect all oils hereinbefore mentioned, and to reject, for illuminating purposes, all oils which, when tested by the ordinary formula in Tagliabue's open cup, will ignite and burn at a temperature of one hundred and twenty degrees of Fahrenheit's thermometer. Instruments for testing oils.

SEC. 5. No person shall adulterate with paraffine or other substances for the purpose of sale or for use, any coal or kerosene oils to be used for lights; nor shall any person knowingly sell or offer to sell or knowingly use such adulterated oil; nor shall any person knowingly sell or offer for sale, or knowingly use any coal or kerosene oil, or any of the products thereof for illuminating purposes, which by reason of being adulterated, or for any other reason, will ignite and burn at a temperature less than one hundred and twenty degrees Fahrenheit's thermometer when tested by the ordinary formula in Tagliabue's open cup: *And further provided,* That the gas or vapor from said oils may be used for illuminating purposes, when the oils from which said gas Adulteration prohibited.
Sale or use of adulterated oil prohibited.
Further proviso as to use of gas or vapor from said oils.

or vapor is generated are contained in closed reservoirs outside the building illuminated or lighted by said gas. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both such fine and imprisonment in the discretion of the court: *Provided*, That nothing in this act shall be so construed as to prevent the use in street lamps of lighter products of petroleum, such as gasoline, benzine, benzole or naphtha: *Provided further*, That the provisions of this act shall not apply to the use of machines or generators constructed on the principle of the "Davy safety lamp."

Proviso. *SEC. 6.* The State inspector shall receive an annual salary of fifteen hundred dollars. He shall also be allowed such further sum as he may actually and necessarily expend in traveling expenses and prosecutions incurred in the discharge of his duties. Each deputy inspector shall be entitled to a salary payable monthly, the amount of such salary to be determined by the number of casks, barrels and packages actually inspected by such deputy inspector during the month, as follows: For each of the first ten, one dollar each; for each [of] the second ten, seventy-five cents; for each of the third ten, sixty cents; for each of the fourth ten, fifty cents; for each of the fifth ten, forty cents; for each of the sixth ten, thirty cents; for each of the seventh ten, twenty-five cents; for each of the eighth ten, twenty cents; for each of the ninth ten, fifteen cents; for each of the tenth ten, ten cents; for each of the second hundred, eight cents; for each of the third hundred, six cents; for each in excess of three hundred, five cents: *Provided*, That in no case shall any deputy inspector receive more than seventy-five dollars in any month as such salary. Said deputy inspector shall also be entitled to and allowed all actual and necessary expenses for railroad, stage and steamboat fares incurred in the discharge of his duties as such deputy inspector. All salaries and expenses provided for in this act, shall be retained by the State inspector out of the money received for inspections of oil, and accounted for and paid out by him as provided in this act: *Provided*, That in case the amount of money received for the inspection of oils according to the provisions of this act, shall not be sufficient to pay the compensation and expenses of the inspector and his deputies as provided herein, the amount of such deficiency shall be deducted from said salaries *pro rata* to each.

Salary of deputy inspectors.

Proviso.

This act is ordered to take effect July 1, 1891.

Approved May 9, 1891.

[No. 72.]

AN ACT to provide for the appointment, fix the compensation and define the duties of a stenographer of the thirty-first judicial circuit.

SECTION. 1. *The People of the State of Michigan enact,* Appointment provided for.
That a stenographer for the thirty-first judicial circuit shall be appointed by the Governor on the recommendation of the judge of said circuit, and his certificate that the business of the court for said circuit is such as to render the employment of the stenographer desirable,

SEC. 2. The person so appointed shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided,* Term and suspension of, etc. Proviso. The court shall have the power to suspend him for misconduct or failure to properly perform his duties, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded. If such suspension shall not be rescinded within thirty days the office shall be deemed vacant, and thereupon it shall be the duty of the Governor, on receiving notice of such vacancy from the presiding judge, to fill the same by the appointment of a competent person under the recommendation of such judge.

SEC. 3. In case of the death or resignation of the stenographer or his inability to serve, from any cause, the Governor shall, on the recommendation of the judge of said circuit, appoint a successor to the office on receiving notice of such vacancy from said judge; but in case of sickness or temporary absence of the stenographer or his suspension by the court, the judge may appoint some competent person to act in his absence or during such suspension. In case of death, etc.

SEC. 4. It shall be the duty of the stenographer, so Duty. appointed, to attend upon the circuit court of said circuit at each term and, under the direction of the court, to take full stenographic notes of the testimony and other proceedings on the trial of cases at law or in equity.

SEC. 5. In case the council for either party shall desire a copy of the testimony given in any trial for the purpose of moving for a new trial, preparing a bill of exceptions, or moving the case to the Supreme Court, it shall be the duty of the stenographer, so appointed, to furnish the same within a reasonable time, and he shall be entitled to demand and receive therefor from the party so requiring it the sum of five cents per folio for each folio as transcribed, and the amount so paid shall be recovered as a part of the taxable costs by the prevailing party in such motion or in the Supreme Court: *And provided further,* To furnish copy of testimony, etc. Proviso. That if the judge shall so direct he shall make and file a copy of the testimony without fee or charge to any person, and the testimony so furnished or filed shall be deemed the official record of the court.

Compensation.	SEC. 6. The stenographer so appointed shall receive as compensation for such services the sum of fifteen hundred dollars per annum, which sum shall be paid in monthly installments upon the order of the clerk of said court, said clerk being hereby authorized and directed to draw such orders and the county treasurer to pay the same upon presentation: <i>Provided</i> , The circuit judge shall certify thereon that such services have been faithfully performed.
Proviso.	
May have assistant, etc.	SEC. 7. The stenographer so appointed shall have power, subject to the approval of the court, to appoint an assistant, who shall be paid by the stenographer and whose appointment may be revoked by him at any time, and such stenographer and his assistant shall perform without additional compensation all the duties pertaining to such office within said county of St. Clair both as to the court held by the judge of said circuit and the court held by the judge of the sixteenth judicial circuit within said county of St. Clair under the provisions of the act organizing the said sixteenth judicial circuit and no additional compensation than as herein provided shall be allowed said stenographer therefor.
How salary provided.	SEC. 8. To make up and pay the salary specified in section six of this act, the board of supervisors of the county of St. Clair shall annually appropriate the sum of fifteen hundred dollars for such purpose, and the balance of the appropriation above made for stenographer's salary for 1891, shall be placed to the credit of the salary fund for the purpose of paying the salary under this act.
Issue of fact to be taxed.	SEC. 9. In each and every issue of fact tried before the court or jury, in which the stenographer shall be employed, whether in law or equity, the sum of three dollars shall be paid by the parties to the suit, in equal proportions, before the taking of testimony is commenced, into the hands of the clerk of said court and by him paid to the county treasurer to apply upon the payment of the salary of said stenographer herein provided for, and the prevailing party shall have the amount so paid by him taxed in his costs as proper disbursements.
Official oath.	SEC. 10. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the [constitution] constitutions, which oath shall be administered by the presiding judge and filed with the clerk of said court.
Charge need not be in writing.	SEC. 11. In cases tried in the circuit court in which such stenographer shall be engaged, sections one and four of act No. 67 of the session laws of 1869 as amended, entitled "An act to declare and establish the practice in charging or instructing juries and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply.
Certain acts void.	SEC. 12. All acts or parts of acts contravening the provisions of this act, shall be construed as void and of no

effect as applying to the circuit court for the thirty-first judicial circuit.

This act is ordered to take immediate effect.

Approved May 8, 1891.

[No. 73.]

AN ACT to amend section one hundred and ninety of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one as amended by act twelve of the session laws of the year eighteen hundred and seventy-three, being section seven thousand and five of Howell's Annotated [Statutes] Statutes of eighteen hundred and eighty-two relative to appeals from courts held by justices of the peace.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one hundred and ninety of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, as amended by act number twelve of the session laws for the year eighteen hundred and seventy-three relative to appeals from courts held by justices of the peace be amended so as to read as follows:

SEC. 190. Appeals may be authorized by the circuit court, or by the circuit judge at chambers, after the expiration of five days, when the party making the appeal has been prevented from taking the same by circumstances not under his control. And in all such cases where the party in whose favor such judgment was rendered appears by an attorney or agent it will be sufficient to serve such attorney or agent with the notices of all subsequent proceedings in said cause and all orders made by said court or judge may be served on said attorney or agent, and such service shall have the same effect as though the same was made on the party in whose favor such judgment may have been rendered. When circuit courts may authorize appeals.

Approved May 8, 1891.

[No. 74.]

AN ACT to provide for the ceding to the United States of exclusive jurisdiction over the site and grounds selected, or to be hereafter selected, for the erection of a building, or buildings for Indian industrial school purposes and during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan, and the service of civil process therein.

SECTION 1. *The People of the State of Michigan enact,* Jurisdiction ceded to the United States.
That the State of Michigan hereby cedes to the United

Proviso.

States exclusive jurisdiction over the site and grounds selected, or which may hereafter be selected, within the bounds of the State of Michigan, for the erection by the United States of a building or buildings for Indian industrial school purposes, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of this State, and the service of civil process therein: *Provided*, That when such lands are selected as aforesaid, an accurate description and plat of such parcels of land to be so selected, with a statement of such selection by the United States, shall be filed by the United States with the Governor of this State.

Ordered to take immediate effect.
Approved May 13, 1891.

[No. 75.]

AN ACT to amend section one of act number seventy-two of the session laws of eighteen hundred and eighty-seven, being an act entitled "An act to require prosecuting attorneys to appear and conduct criminal proceedings in the Supreme Court in certain cases, and to provide for the payment of extra compensation therefor," approved April fifteenth, one thousand eight hundred and eighty-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number seventy-two of the session laws of eighteen hundred and eighty-seven, entitled "An act to require prosecuting attorneys to appear and conduct criminal proceedings in the Supreme Court in certain cases, and to provide for the payment of extra compensation therefor," be and the same is hereby amended so as to read as follows:

Prosecuting attorneys to prepare brief, etc.

SECTION 1. *The People of the State of Michigan enact*, That in all criminal proceedings removed to the Supreme Court by writ of error, mandamus or otherwise, it shall be the duty of the prosecuting attorney of the county from which any cause is so removed to prepare a brief on behalf of the people therein, and to furnish the same to the Attorney General where such cause is a calendar cause, at least twenty days before the time at which such cause is set for hearing, and in all other cases such prosecuting attorney shall furnish such brief to the Attorney General at least two days before the time for the hearing of such cause. It shall be the duty of the prosecuting attorney of the county from which any cause is so removed where such cause is made a calendar cause on the request of the Attorney General to appear on behalf of the people in the Supreme Court, and to assist the Attorney General to conduct such cause in such

Prosecuting attorney to assist Attorney General.

court, and for his services in such case such prosecuting attorney shall, in addition to his regular salary, receive a reasonable compensation, including his expenses in traveling to and from, and on his attendance in such court, when so requested by the Attorney General. Such expenses in traveling to and from and compensation for attendance in such court to be certified to by the Attorney General and ascertained and determined by the board of State auditors, and paid by the State out of any funds belonging to the State not otherwise appropriated, and the expenses of preparing and printing any brief or argument prepared in such case shall be paid by the county from which the case is removed.

Compensation.

Brief to be paid for by county.

Approved May 13, 1891.

[No. 76.]

AN ACT to amend act number one hundred ninety-six of the session laws of eighteen hundred eighty-five, entitled "An act to provide for the protection of hotel keepers," approved June sixteenth, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number one hundred and ninety-six of the session laws of eighteen hundred and eighty-five, being "An act to provide for the protection of hotel keepers," be amended by striking out section one thereof, and substituting therefor two sections, to read as follows:

Section amended, etc.

SECTION 1. *The People of the State of Michigan enact,* That any person who shall put up at any hotel or inn as a guest and shall procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or who, with intent to defraud such keeper out of the pay therefor, shall obtain credit at any hotel or inn for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto, shall, upon conviction thereof, upon the complaint of such hotel keeper before a justice of the peace, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail not exceeding thirty days, or by fine not exceeding one hundred dollars, or by both fine and imprisonment in the discretion of the justice: *Provided,* That the [provision] provisions of this act shall not apply to boarders at any hotel or inn by the week or month.

Persons attempting to defraud hotel keepers, etc., guilty of misdemeanor.

Penalty.

Proviso.

SEC. 2. Proof that lodging, food or other accommodation was obtained by false pretense or by false or fictitious show or pretense of baggage or that the person refused or neglected to pay for such food, lodging or other accommodation on demand, or that he absconded or left the premises

Prima facie proof of fraud.

without paying or offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his baggage shall be *prima facie* proof of the fraudulent intent mentioned in section one of this act.

Approved May 14, 1891.

[No. 77.]

AN ACT to provide for the adoption and change of name of minors, and for making them heirs at law of the person or persons adopting them, and to repeal act number one hundred forty-four of the public acts of eighteen hundred and eighty-seven, relative to the adoption and change of name of minors and making them heirs at law of the person or persons adopting them.

Adoption and
and change of
name.

SECTION 1. *The People of the State of Michigan enact,* That whenever any person or persons shall desire to adopt any minor child, and to change the name of such child, and to bestow upon him or her the family name of the person or persons adopting such child, with intent to make such child his, her, or their heir, such proceedings shall be had as are [hereinafter] hereafter provided.

With whose
consent.

SEC. 2. Such adoption and change of name shall be with the consent of the persons hereinafter described, viz.:

Of parents.

(a) In case the parents of such child, or either of them, are living, then with the consent of such parents or the survivor of them.

Of parent.

(b) In case such child is abandoned by one of its parents then with the consent of the other parent.

Of mother.

(c) In case such child be illegitimate then with the consent of its mother.

Of kin or
guardian, or
certain officers.

(d) In case such child is an orphan, or is abandoned by its parents or surviving parent, or by its mother, if it be illegitimate, then with the consent of the nearest of kin or guardian of such child, or of the principal officer of any incorporated asylum, hospital or home, of which such child may be an inmate, or of two superintendents of the poor of the county, or the director of the poor of any city or township of which such child is a resident, or of the principal officer of any institution, public or private, in this State or elsewhere, in whose care such orphan or abandoned child may be.

Of officer of cer-
tain institutions.

(e) In case the parents, or surviving parent, of such child, or the mother, if said child be illegitimate, or the parent who has not abandoned it, if such child has been abandoned by one of its parents, has or have surrendered and released, in a writing duly executed and acknowledged before an officer authorized by law to take acknowledgments of deeds, all his, her or their parental rights in and to such child and

the custody and control thereof to an incorporated asylum, hospital or home, of which such child may be an inmate, for the purpose of enabling such incorporated asylum, hospital or home to have said child adopted by some suitable person, its name changed and the child made an heir at law under the provisions of this act, then with the consent of the principal officer of any such incorporated asylum, hospital or home, and the aforementioned release executed by a parent or parents as aforesaid to such asylum, hospital or home, shall be filed with the instrument of adoption in the probate court.

(f) In case said child is legally an inmate of the State public school, then with the consent of the superintendent of such school, and the county agent of the State board of charities for the county wherein the person adopting such child resides. In case of inmate of public school.

(g) In any case heretofore described, if such child be above the age of ten years, then with the additional consent of such child. In case of child over ten.

SEC. 3. Said person or persons first above described, together with his or her wife or husband, if any there be, and the person or persons, officer or agent required by the preceding section to consent thereto, shall make under their hands and seals, an instrument in writing, whereby they shall declare that such child, naming him or her by the name he or she has usually borne, is adopted as the child of the person or persons first above referred to, and that he, she or they intend to make such child his, her or their heir, and shall state the full name they desire such child shall bear. Adoption to be in writing, etc.

SEC. 4. The execution of such instrument shall be acknowledged by the person so signing the same, before an officer authorized by law to take acknowledgments of deeds, and thereupon the same shall be presented to, and filed with the judge of probate of the county where such person or persons adopting such child reside. Execution to be acknowledged, etc.

SEC. 5. Such judge of probate with whom such instrument is filed, shall thereupon make an investigation, and if he shall be satisfied as to the good moral character, and the ability to support and educate such child, and of the suitability of the home, of the person or persons adopting [said] such child, he shall make an order to be entered on the journal of the probate court that such person or persons do stand in the place of a parent or parents to such child, and that the name of such child be changed to such name as shall be designated in said instrument for that purpose. Judge to investigate, etc. Whereupon such child shall thereafter be known and called by said new name, and the person or persons so adopting such child, shall thereupon stand in the place of a parent or parents to such child in law, and be liable to all the duties, and [entitled] entitle to all the rights of parents thereto; and such child shall thereupon become and be an Order of adoption, etc. New name, etc.

Repealing
clause. heir at law of such person or persons, the same as if he or she were in fact the child of such person or persons.

SEC. 6. That act one hundred forty-four of the public acts of eighteen hundred eighty-seven, relative to the adoption and change of name of minors, and making them heirs at law of the person or persons adopting them, be and the same is hereby repealed.

Approved May 13, 1891.

[No. 78.]

AN ACT to provide that the grand and subordinate castles and the commanderies of the Knights of the Golden Eagle of the State of Michigan may be incorporated.

May incorporate. SECTION 1. *The People of the State of Michigan enact,* That grand and subordinate castles and commanderies of the Knights of the Golden Eagle, of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Number of
incorporators. SEC. 2. Any five or more persons, residents of this State, being members of any grand castle of the Knights of the Golden Eagle of the State of Michigan, who desire to become incorporated, may make and execute articles of association, under their hands and seals, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds, and shall set forth:

Articles of asso-
ciation. *First,* The names of persons associating in the first instance, and their places of residence;

Contents. *Second,* The corporate name by which such association shall be known in law, and the place of its business;

Third, The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the Knights of the Golden Eagle, and the period for which it is incorporated, not exceeding thirty years.

Articles to be
filed, etc. SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said grand castle, shall be filed with the Secretary of State, and thereupon the persons who shall have signed the articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name, they and their successors shall have succession, shall be person in the law, capable to purchase, take, receive, hold and enjoy to them and their successors, estates real and personal, of suing and being sued, and they and their successors may have a common seal, which may be changed and altered at their pleasure:

Proviso limiting
property. *Provided,* That the value of said real and personal estate shall not exceed the sum of fifty thousand dollars, and that

they and their successors shall have authority and power to give, grant, sell, lease demise and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents and incomes, shall be devoted exclusively to charitable and benevolent purposes of the Knights of the Golden Eagle. Said corporation shall have full power and authority to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporations, according to the laws of this State, and the United States, and to designate, elect, or appoint from its members such offices, under such name and style as shall be in accordance with the constitution of the grand castle.

Authority to make rules, etc.

SEC. 4. A copy of the record of such articles of association [tion] under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation.

Copy of record evidence, etc.

SEC. 5. Such corporation when duly formed, shall have power to institute and charter subordinate castles and branches within this State, and from time to time to make, ordain, constitute and establish such constitution, general laws and by-laws, ordinances and regulations as the grand castle shall deem proper for the regulation and government of such subordinate castles or branches not repugnant to the laws of this State: *Provided, however,* That the existing subordinate castle or branches heretofore duly [chartered] chartered by the grand castle, shall be subject to the control of the grand castle, under this act, as heretofore, and in the same manner and to the same extent, as those that may be [hereafter] hereinafter instituted and chartered under this act: *Provided further,* That in case the corporations or persons, associating in the first instance, shall by death, resignation, or for other cause, under the rules of the grand castles, become ineligible to act in such capacity, their successors may, from time to time, be appointed by the grand castles.

Power to institute subordinate castles, etc.

Proviso.

Further proviso.

SEC. 6. Any five or more persons, residents of this State, being members of a subordinate castle of the Knights of the Golden Eagle, having been duly chartered by the grand castle, who desire to become incorporated, may make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed which shall be recorded by such clerk, in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase hold, enjoy, grant, sell, give, lease and demise, real and per-

Incorporation of subordinate castles, etc.

- sonal estate; of suing and being sued, and may have a common seal and change and alter the same at pleasure; and a certified copy of the record of such articles of association under the seal of the county where the said record is kept shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation: *Provided*, Said corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate, and the proceeds thereof, under the rules and regulations of the grand castle, and may elect or appoint from among its members such officers under such names and style as shall be in accordance with its constitution.
- Proviso. SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, buildings or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the fraternity of the Knights of the Golden Eagle, and for that purpose may create a capital stock of not more than fifty thousand dollars to be divided into shares of not more than twenty-five dollars each; and any such corporation may take, purchase, hold and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.
- May own edifice, etc. Capital stock, etc. SEC. 8. Any grand commanderies of the Knights of the Golden Eagle of the State of Michigan, and subordinate commanders thereof, having been duly chartered, may be incorporated in like manner as grand and subordinate castles of the Knights of the Golden Eagle and enjoy the same powers and privileges and benefits under the provisions of this act.
- Grand commanderies may incorporate, etc. SEC. 9. All corporations formed under this act shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act; and the Legislature may alter or amend this act at any time.
- Subject to general law. SEC. 10. The location of the business offices of the grand castles and commanderies of the Knights of the Golden Eagle or either of them may be changed at any time, upon filing a written notice of such change in the office of the Secretary of State, within twenty days from the time of the change of such location.
- Location of business offices. Approved May 13, 1891.

[No. 79.]

AN ACT to amend section five of act number two hundred and forty-three of the public acts of one thousand eight hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and

private roads, and the building, repairing and preservation of bridges within the State," approved June eighth, one thousand eight hundred and eighty-one. .

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section five of act number two hundred and forty-three of the public acts of one thousand eight hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within the State," approved June eighth, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows:

SEC. 5. The commissioner shall, at the time appointed, proceed to view the premises described in the application and notice, and to ascertain and determine the necessity for laying out, altering, or discontinuing a highway pursuant to such application, and to appraise the damage on account thereof, if any is claimed, and he may in his discretion adjourn the hearing from time to time not to exceed twenty days: *Provided*, That in case a highway shall be laid out parallel to and within one-half mile of an already existing highway the damages upon any lands taken therefor shall not be estimated at less than the value of such lands for general farming purposes unless by the assent of the owner of such lands: *And provided further*, That the highway [commissioner] commissioners shall not appropriate a sum of money to exceed one hundred dollars in laying out or improving any highway, or in building, or repairing any bridge without the concurrence of the township board of the township in which such tax is levied. Duty of commissioner, etc. Proviso. Further proviso as to limit of appropriation.

This act is ordered to take immediate effect.

Approved May 15, 1891.

[No. 80.]

AN ACT giving the assent of the Legislature of the State of Michigan to the grant of moneys from the United States by act of Congress approved August thirtieth, one thousand eight hundred and ninety, being an act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July second, one thousand eight hundred and sixty-two.

SECTION 1. *The People of the State of Michigan enact,* Legislative assent given.
That the Legislative assent required by section two of act of Congress approved August thirtieth, one thousand eight

hundred and ninety, being an act entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July second, one thousand eight hundred and sixty-two," is hereby given and the moneys thereby given are accepted under the conditions and terms in said act named.

How money to
be used.

SEC. 2. That the moneys derived by authority of said act shall be used exclusively in support of the State Agricultural College of Michigan.

Approved May 15, 1891.

[No. 81.]

AN ACT to amend chapter one hundred and fifty-three of the compiled laws of one thousand eight hundred and seventy-one, relative to title to real property by descent, by adding thereto one section, to stand as section fourteen of said chapter, providing for the descent of real estate of adopted children.

Section added.

SECTION 1. *The People of the State of Michigan enact,* That chapter one hundred and fifty-three of the compiled laws of one thousand eight hundred and seventy-one, relative to title to real property by descent, be and the same is hereby amended by adding thereto one section, to stand as section fourteen of said chapter, providing for the descent of real estate of adopted children, said section to read as follows:

Real estate to
descend to
adopted chil-
dren.

SEC. 14. Whenever any person heretofore or hereafter adopted by any person or persons, with intent to make such person an heir at law of the person or persons adopting the same, shall die intestate, leaving no issue, any real estate possessed by such person at the time of his or her decease, which has come to such person from or through such adopting parent or parents, shall descend to the persons and in the same manner as though such person had been the natural child of the person or persons from or through whom such estate shall have come as aforesaid.

This act is ordered to take immediate effect.

Approved May 15, 1891.

[No. 82.]

AN ACT to amend sections one, two and three of act number ninety-seven of the session laws of one thousand eight hundred and eighty-nine, entitled "An act to provide for an additional circuit judge for the seventeenth judicial circuit, and to define the powers and duties of the judges of said circuit, and to provide for the manner of conducting the business of said court," and to add another section thereto, to stand as section seven.

SECTION 1. *The People of the State of Michigan enact,* Sections amended, That sections one, two and three of act number ninety-seven of the session laws of one thousand eight hundred and eighty-nine, entitled "An act to provide for an additional circuit judge for the seventeenth judicial circuit, and to define the powers and duties of the judges of said circuit, and to provide for the manner of conducting the business of said court," be amended so as to read as follows:

SECTION 1. That after the first day of June, eighteen hundred and eighty-nine, there shall be one additional Additional judge. judge for the seventeenth judicial circuit, in which circuit the county of Kent is or may be situated. The two circuit judges shall have equal and co-ordinate powers and duties. One of such judges shall constitute a quorum for the trans- Quorum. action of business. The person holding the office of circuit Presiding judge. judge at the time this act takes effect, or his successor in office, shall act as presiding judge until the first day of January next succeeding the appointment of a judge under the provisions of this act, and after that, each of said judges shall act as presiding judge every alternate year; and the presiding judge shall have power to apportion the Apportionment of work. business to be transacted as he may from time to time order and direct, and from day to day assign to and apportion the business of the court between such judges: *Provided,* Proviso. *however,* That in the trial of criminal causes each judge shall preside at the alternate terms commencing with the judge on the bench at the time this act takes effect.

SEC. 2. Whenever any cause, matter or proceeding, or Judge to try, etc., cases assigned, etc. any motion, application or other business shall be assigned to one of said judges, the said judge shall proceed to hear, try and dispose of the business so assigned to him with the same force and effect as if he was the only judge of said circuit, and subject to and with the power and authority conferred by all the rules of practice and by [law] applicable to circuit courts having only one judge. And thereupon said judge may proceed with the trial or hearing or other business so assigned to him in the principal court room, or in a separate room attended by the clerk or one of his deputies, and by the sheriff or one of his deputies, by a stenographer and by a jury of men not engaged in

the trial of other causes, if it be a cause to be tried by a jury, and such judge, while so sitting for the transaction of business, shall have all the powers of any circuit judge sitting in any circuit court in this State, and the proceedings shall be regarded as proceedings of the circuit court had in open court and at a session of the said circuit court, and may direct talesmen to be summoned as in other cases. The said presiding judge may make rules from time to time in relation to the making up of the trial docket and as to the disposition of the business of the court not inconsistent with any general laws of the State.

Record of proceedings, etc.

SEC. 3. The record of the proceedings before each of the judges shall be entered in the journal of the court in the usual manner, the same as though the judges were sitting together and said journals may, for convenience, be kept in separate books, marked volumes one and two, and said record shall be verified by the signature of the judge before whom the business is transacted. Whenever the signature of the judge of the court shall be required to any bills of exceptions, or decrees or other evidence of proceeding or for the verification of any act, the signature of the judge before whom the proceedings were had shall be deemed sufficient. Orders and decrees in the chancery record shall be verified by the signature thereto of the judge making such order or decree.

Who shall sign bills of exceptions, etc.

Deputy clerk.

SEC. 7. The county clerk shall, with the approval of the judges of said court, appoint a deputy clerk to attend upon the proceedings before the additional circuit judge provided for by this act, and his [successors] successor in office, and the term of office of said deputy shall expire with the term of office of the clerk of said court.

This act is ordered to take immediate effect.

Approved May 16, 1891.

[No. 83.]

AN ACT to amend sections one, two and four of act one hundred and sixty-three of the public acts of one thousand eight hundred and fifty-one, for the State of Michigan, being an act entitled "An act to provide for the letting to contract, furnishing of fuel and stationery for the use of the State, and also the State printing and binding," as amended by act sixty-one of the public acts of one thousand eight hundred and seventy-three, approved April first, one thousand eight hundred and seventy-three, being compiler's sections three hundred and forty-six, three hundred and forty-seven, and three hundred and forty-nine of Howell's Annotated Statutes, as amended by act number two hundred and three of the session laws

of one thousand eight hundred and eighty-nine of the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one, two and four of act one hundred and sixty-three of the session laws of one thousand eight hundred and fifty-one, entitled "An act to provide for the letting to contract, the furnishing of fuel and stationery for the use of the State, and also the State printing and binding," as amended by act sixty-one of the session laws of one thousand eight hundred and seventy-three, being compiler's sections three hundred and forty-six, three hundred and forty-seven and three hundred and forty-nine of Howell's Annotated Statutes, as amended by act number two hundred and three of the public acts of one thousand eight hundred and eighty-nine, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* Secretary of State to advertise for proposals.
That it shall be the duty of the Secretary of State during the month of April, in the year one thousand eight hundred and ninety-one, and every second year thereafter to cause to be published in some newspaper, published at the seat of government, in one or more daily newspapers published in the city of Detroit, and in a daily newspaper printed in the city of Grand Rapids, and in the city of Saginaw, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding the laws, journals and documents, all blanks, papers and printing for the executive and judiciary departments, and all other printing ordered by the Legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for examining such proposals: *Provided,* Proviso. That no such proposals shall be received after nine o'clock in the forenoon of the second Wednesday in May; and that said proposals shall be opened on the second Wednesday in May in public, by the board of State auditors and the several contracts shall be awarded to the lowest responsible bidder or bidders, on or before the second Wednesday of June following: *Provided, how-* Further proviso.
ever, That the board of State auditors shall have a right to reject any and all bids, and in case the said board of State auditors reject all of the bids on any article advertised for under the provisions of this section, then the said Secretary of State shall, within ten days after such decision by the said board of State auditors, re-advertise for the same length of time, in the same manner, as near as may be, for such articles for which the bids were so rejected by the said board of State auditors, and the bid shall be opened and the contract let in the same manner, as near as may be, as provided for letting contracts had the bids not been rejected, and within the same length of

Further proviso. time: *Provided further*, That if from any cause it shall not be practicable for the Secretary of State to advertise as provided in this section, in the month of April, one thousand eight hundred and ninety-one, then the said Secretary of State shall have the right to advertise for such bids as soon thereafter as practicable, by giving the same notice and observing all the provisions of this section as near as may be.

Specifications, etc. SEC. 2. Said notice shall specify the kind and quality of the articles, but under no circumstances shall the name of the manufacturer or brand be given in any advertisement or specifications of articles for which proposals are to be received. Ample security shall be required for the faithful performance of each and every contract made in pursuance of said notice. All stationery and supplies in the nature of stationery, school and janitor's supplies, of which such a quantity can be foreseen as will last till the next contract is let, and provided they can be bought in sufficient quantities to make it an object, shall be placed under contract. Each bidder for stationery shall furnish at the time of putting in his bid samples of the articles asked for, corresponding with his bid, said samples to be marked with the item, number and price, and no bid shall be entertained for items on which no samples are furnished.

State Auditors to examine proposals and let contracts, etc. SEC. 4. At the time and place certified in said notice, it shall be the duty of the board of State auditors to meet and then and there proceed to open and examine all proposals received by the Secretary of State, pursuant to such notice: *Provided*, That no bid shall be entertained unless accompanied by a guarantee bond, in such amount as said board of State auditors shall require, conditioned that the bidders will enter into the contract if awarded them. The board of State auditors shall properly prepare a schedule of all bids, and examine and compare the samples for stationery separately, and immediately enter into written contracts to commence on the first day of July, one thousand eight hundred and ninety-one, with the person or persons whose propositions are the lowest, and who shall execute bonds to the people of the State of Michigan, jointly and severally, with good and sufficient sureties, in such penal sums as the board of State auditors shall require for the faithful performance of said contract, and stipulating that in case of the failure of the bidders to perform their contract, such bondsmen shall pay the difference, if any, between the amount of the bid made by the contractor and the price of such goods in open market. Failure upon the part of any contractor to furnish goods within a reasonable time, complying with contract sample, shall, in the discretion of the board, work a forfeiture of said contract, and the board may purchase such goods in open market, charging any increase of the cost thereof to said contractor, and may call upon the bondsmen to pay said amount upon the

Proviso.

failure of the contractor so to do: *Provided further*, That ^{Further proviso.} where contract is let for any article now furnished under contract, which contract will not expire until January first, one thousand eight hundred and ninety-two, then the contract shall provide that for such items or articles it shall commence on the first of January, one thousand eight hundred and ninety-two, and extend until the first day of July, one thousand eight hundred and ninety-three: *Provided*, ^{Idem.} *further*, That the contracts for printing and binding to be let in one thousand eight hundred and ninety-one, shall be for a period commencing January first, one thousand eight hundred and ninety-two and continuing until July first, one thousand eight hundred and ninety-four.

This act is ordered to take immediate effect.

Approved, May 16, 1891.

[No. 84.]

AN ACT to amend chapter ten of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, approved May twenty-first, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act," as amended by act number fifty-three of the public acts of eighteen hundred and eighty-three, by adding thereto a new section, to stand as section number six.

SECTION 1. *The People of the State of Michigan enact*, ^{Chapter amended.} That chapter ten of act number one hundred and sixty-four of the public acts of eighteen hundred and eighty-one, approved May twenty-first, eighteen hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to public instruction and primary schools, and to repeal all statutes and acts contravening the provisions of this act" as amended by act number fifty-three of the public acts of eighteen hundred and eighty-three, be and is hereby amended by adding thereto a new section, to stand as section number six, said section to read as follows:

SEC. 6. Whenever the trustees of any organized graded school district shall be presented twenty days before the annual meeting thereof with a petition signed by ten electors of said district, stating that it is the desire of said petitioners that at the annual meeting of said school district there shall be submitted to said annual meeting the proposition to change from a graded school district to one or more primary school districts the said trustees shall, in their notice of such annual meeting, state that the proposition set forth in said petition will be presented to said meeting, and if two-thirds of the qualified voters present at said

^{Duty of trustees in certain cases, etc.}

In case of vote
to change, etc.

meeting shall vote to change to one or more primary school districts such change shall be made, and it shall be the duty of the board of school inspectors of the township or townships in which such district is situated, upon being duly notified of such vote to proceed to change or divide such district as determined by such annual meeting, and they shall provide for the holding of the first meeting in the or each of the proposed primary school districts in the same manner as is provided for by law for the organization of primary school districts, and whenever a fractional graded school district shall be so changed, the township boards of school inspectors of the respective townships where such graded school district is situated, shall organize the said district into one or more primary school districts, as provided for by law.

This act is ordered to take immediate effect.

Approved May 20, 1891.

[No. 85.]

AN ACT to provide for the incorporation of companies furnishing automatic electric fire-alarms.

Number of
incorporators.

SECTION 1. *The People of the State of Michigan enact,* That any five or more persons may organize a corporation under this act for the purpose of furnishing automatic electric fire-alarms in the manner following, to wit: The persons associating shall sign and acknowledge before any officer competent to take acknowledgments of deeds, articles which shall contain:

What articles
shall contain.

Statement.

First, A statement that the same are entered into for the purpose of organizing a corporation under this act;

Name.

Second, The name of the corporation to be organized;

Place of business.

Third, The place of the business office;

Term.

Fourth, The term of the existence of such corporation, which shall not exceed thirty years;

Amount of
capital stock.

Fifth, The amount of its capital stock which shall not exceed two hundred fifty thousand dollars and the number of shares into which the same shall be divided; the amount of the capital stock subscribed at the time of the execution of such articles, and the amount paid thereon;

Purpose.

Sixth, The purpose for which the said company is organized;

Number of
directors.

Seventh, The number of directors, which shall not be less than five, to manage the affairs of said corporation;

First directors.

Eighth, The names of the persons to act as the first directors. Each subscriber shall set opposite his name, his place of residence, and the number of shares of stock by him subscribed. Such articles shall be recorded in the office of the clerk of the county in which the principal

business office of such corporation is to be located, and a copy thereof filed in the office of the Secretary of State, and thereupon such corporation shall be deemed fully organized.

SEC. 2. The stock, property, and affairs of every corporation organized hereunder shall be managed by its directors. The directors shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws, and shall continue in office for one year and until others shall be chosen in their stead. No person except a stockholder shall be a director. Directors, how chosen, etc.

SEC. 3. The stock of every such corporation shall be divided into shares of ten dollars each, and shall be deemed personal property. Shares.

SEC. 4. Every such corporation shall have power to construct and maintain or hire lines of wire or other material for use in the transmission of automatic electric fire-alarm signals along, over, across or under any public places, streets and highways, and across or under any of the waters in this State, with all necessary erections and fixtures therefor, proper license therefor being first obtained: *Provided*, That the same shall not injuriously interfere with other public uses of the said places, streets and highways, and the navigation of said waters; to construct, provide and furnish instruments, devices and facilities for use in the origination and transmission of such signals, and to construct, maintain and operate a central office and stations, and generally to conduct and carry on the business of originating, providing and supervising automatic electric fire-alarm signals. Power of corporation. Proviso.

SEC. 5. Service of legal process against any such corporation may be made upon any officer of such corporation found within the county in which the action shall have been commenced, or by leaving a copy of such process at any exchange or business office of such corporation within such county, with the person in charge thereof. How legal process may be served.

SEC. 6. Any person who shall unlawfully injure or molest any line of wire, or property appurtenant thereto of any such corporation, or any of the instruments or apparatus of such corporation, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months, or both, in the discretion of the court in which such conviction shall be had. Injury to property of, a misdemeanor. Penalty.

SEC. 7. The stockholders of all corporations organized under this act shall be individually liable for all labor performed, and materials furnished for said corporation during the time they were stockholders as aforesaid, which said liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned not satisfied against such company: *Provided* Stockholders liable, etc. Proviso. *always*, That if any stockholder shall be compelled by any

such action to pay such debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Subject to general provisions of law, etc.

SEC. 8. All corporations organized under this act shall be subject to the general provisions of the existing and subsequent laws of this State relating to corporations, so far as such provisions are applicable, and shall also be subject to the provisions of act one hundred and sixty-eight of the session laws of eighteen hundred and eighty-one, entitled "An act to provide for the assessment and taxation of telegraph and telephone lines within the State of Michigan," etc., and all amendments which may hereafter be made thereto in the same manner and with the same effect as if the words "automatic electric fire-alarm" were used in said act wherever the word "telephone" or the word "telephonic" occurs in the title or text thereof.

This act is ordered to take immediate effect.

Approved May 20, 1891.

[No. 86.]

AN ACT to authorize any railroad company, who owns, has possession of and is operating a railroad constructed and equipped and whose railroad and railroad property and franchises are not mortgaged, to issue bonds and to secure the same by a mortgage on its property and franchises.

Authority to bond, etc.

SECTION 1. *The People of the State of Michigan enact,* That any railroad company who owns, has possession of and is operating a railroad constructed and equipped, and whose railroad and railroad property and franchises are not mortgaged, shall have the right to issue bonds and to mortgage its corporate property and franchises to secure the payment of the said bonds, and may issue such bonds and dispose of the same in such manner as shall be determined upon by a vote of the owners of the entire capital stock of the said company, at a meeting duly called for that purpose.

Owners to determine form, etc., of bonds, etc.

SEC. 2. It shall be lawful for the owners of the entire capital stock of any such railroad company, at a meeting duly called for that purpose, to determine the form of the bonds referred to in section one of this act, and the length of time they shall have to run and the rate of interest that they shall bear, not exceeding ten per cent; and also the form of the said mortgage or trust deed and what provisions the same shall contain, and the trustee or trustees to whom

the same shall be made, and the rights, powers and duties of said trustee or trustees, and to make such provisions therein for the sale and transfer of the corporate property and franchises therein described as they shall deem best; and the sale and transfer of the said corporate property and franchises in accordance therewith shall be lawful and valid.

SEC. 3. Meetings of stockholders under the provisions of this act shall be called by mailing to each of said stockholders notice in writing of such meeting, stating the purpose for which the same is called, which notice shall be addressed to each of said stockholders at his last known postoffice address, with postage prepaid, at least thirty days prior to the day appointed for such meeting, and by publishing the said notice in a daily newspaper published in the city of Detroit, once a week for four weeks previous to the day appointed for the said meeting, and a meeting called in accordance with the provisions of this section shall be deemed to have been duly called in accordance with the provisions of this act.

This act is ordered to take immediate effect.

Approved May 19, 1891.

[No. 87.]

AN ACT to provide for appropriation of money to pay the salary of the Attorney General, clerks and certain expenses in such department, and to provide the manner and condition of payment, and to repeal all acts and parts of acts contravening the provisions of this act.

SECTION 1. *The People of the State of Michigan enact,* Appropriation, purpose, etc. That there be and the same is hereby appropriated out of moneys in the treasury to the credit of the general fund not otherwise appropriated, the following sums for the salary of the Attorney General, clerks in his office, and for certain expenses in such department, for the year one thousand eight hundred and ninety-one, and each year thereafter; for salary of the Attorney General, such sum as is designated in the constitution of the State, to be paid *pro rata* monthly; for salaries of clerks a sum not exceeding twenty-five hundred dollars to be paid *pro rata* monthly, any sum not used to be disposed of at the end of the year as provided in section three of this act; for necessary expenses of the Attorney General, and to pay extra help and expenses if any are necessary, such further sum as the Board of State Auditors may allow.

SEC. 2. All work for which any money shall be paid by virtue of this act shall be done by or under the supervision of the Attorney General, and no extra help shall be employed or paid except on the recommendation of the Supervision by Attorney General, etc.

Attorney General, with the written consent and approval of the Governor.

Disposition of
money not used.

SEC. 3. All moneys hereby appropriated and not used during the year for which they were appropriated shall, at the end of each year, be transferred and credited to the general fund.

Repealing
clause.

SEC. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 20, 1891.

[No. 88.]

AN ACT to provide for the appointment, fix the compensation, and prescribe the duties of a stenographer, for the eleventh judicial circuit, and to establish a basis for the payment of his salary by the counties in said circuit.

Appointment of
stenographer.

SECTION 1. *The People of the State of Michigan enact,* That a stenographer for the eleventh judicial circuit shall be appointed by the Governor, on the certificate of the circuit judge of said circuit that a stenographer is desirable in said circuit. The person so appointed shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge: *Provided,* That the stenographer heretofore appointed for said circuit shall not require a re-appointment, but shall continue in office subject to the provisions of this act.

Proviso.

An officer of the
court, etc.

SEC. 2. The person so appointed shall be deemed an officer of the court, and shall hold office during the pleasure of the Governor. But the judge of said circuit shall have power to suspend him for misconduct, or failure to properly perform his duties. And, in case of such suspension, he shall thereafter cease to hold the office of stenographer unless by order of the court his suspension be rescinded. If such suspension shall not be rescinded within thirty days after the order, the office shall be deemed vacant, and it shall thereupon be the duty of the Governor on receiving notice of such vacancy from the presiding judge, to fill the same by the appointment of a competent person, under the recommendation of said judge.

In case of death,
etc.

SEC. 3. In case of the death or resignation of the stenographer, or his inability from any cause to serve, the Governor shall, on the recommendation of the judge of said circuit, appoint a successor to the office, on receiving notice of such vacancy from said judge. But in case of the sickness or temporary absence or suspension by the court, as aforesaid, of the stenographer, the judge may appoint some competent person to act in his absence or during such suspension.

SEC. 4. It shall be the duty of the stenographer so appointed to attend upon the circuit courts for said circuit at each term, under the direction of the court, and to take full stenographic notes of the testimony and other proceedings on the trial of [case] cause, at law and in chancery, and for such services he shall receive the sum of two thousand dollars per annum, which sum shall be paid in monthly installments, as hereinafter provided, out of the county treasuries of the counties composing said circuit, upon the order of the county clerks of the said counties, said clerks being hereby authorized and directed to draw such orders, and the chairman of the boards of supervisors to sign the same, and the county treasurers to pay the same upon presentation.

SEC. 5. In case the counsel for either party shall desire a copy of the testimony given in any trial in said circuit, for the purpose of moving for a new trial, preparing a bill of exceptions, or removing the case to the Supreme Court, it shall be the duty of the stenographer so appointed to furnish the same, and he shall be entitled to demand and receive therefor the sum of eight cents per folio for each folio so transcribed, and such record shall be deemed the official record of the court. And in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case at law or in chancery, in order to remove such case to the Supreme Court, and the court shall certify that the procurement of such transcript is necessary, in order to prepare the record for hearing in the Supreme Court, then the amount of the stenographer's fees may be taxed, if the appellant shall prevail in the Supreme Court, as a proper disbursement.

SEC. 6. If in any cause tried before the court without a jury either party shall demand a finding upon the facts, or of law, such party shall furnish to the judge, within a reasonable time, to be specified by said judge, a copy of so much and such part of the testimony, taken from the stenographer's minutes, as the judge shall require, said transcript, when so made, to be paid for at the rate per folio hereinbefore established for transcripts, and if such party shall neglect or refuse to furnish such copy within the time specified, the party making such demand shall be deemed to have waived the same, and judgment may be entered without such finding.

SEC. 7. Each and every issue of fact or law tried before the court or jury, and each and every chancery case in which the proofs are to be taken in open court, shall be taxed three dollars, to be paid by the parties, in equal proportions, before the taking of the testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary [of] to the said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

Salary, how paid. SEC. 8. To make up and pay the salary specified in section four of this act, the boards of supervisors of the counties composing said circuit shall annually appropriate the sum of two thousand dollars, which sum shall be appropriated by said counties according to and in proportion to the number of suits, at law and in chancery, entered and commenced in the circuit courts for such counties respectively the preceding year. And it shall be the duty of the circuit judge of said circuit, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his circuit on the basis aforesaid, and to notify the clerk of each of the several counties in said circuit of the amount so to be paid by said counties.

Assistants, etc. SEC. 9. The stenographer so appointed shall have power to appoint one or more assistants, subject to the approval of the court, whose duties shall be subject to, and whose compensation shall be paid by the stenographer: *Provided*, That the stenographer shall have power to revoke such appointment at any time.

Full name of witness to be affixed to notes, etc. SEC. 10. The stenographer, or assistant stenographer, who shall take the notes on the trial or hearing of any cause shall prefix to his notes of the testimony of each witness, the full name of such witness and the date the testimony was taken, which notes shall be kept in the office of the stenographer. In the event of the death or resignation or the removal from office, or from this State, of the stenographer, said notes shall be transferred to the county clerk of the county wherein the cause was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for the county.

Charge of judge need not be in writing. SEC. 11. In cases tried in said court in which said stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries and in settling the law in cases tried in circuit courts," approved March twenty-sixth, eighteen hundred and sixty-nine, shall not apply. All acts or parts of acts contravening the provisions of this act shall

Acts void. be construed as void and of no effect as applied to the counties composing the eleventh judicial circuit.

This act is ordered to take immediate effect.

Approved May 20, 1891.

[No. 89.]

AN ACT to organize the county of Dickinson.

Territory detached from Michigan and named county. SECTION. 1. *The People of the State of Michigan enact*, That surveyed township numbered forty-one north, of range twenty-seven west, and townships numbered thirty-nine, forty and forty-one north, of range twenty-eight west, and

townships numbered thirty-nine, forty and forty-one north of range twenty-nine west, and townships numbered thirty-nine, forty and forty-one north of range thirty west, and townships numbered thirty-nine and forty north, of range thirty-one west be and the same are hereby detached from the county of Menominee; and that townships numbered forty-two and forty-three north, of ranges twenty-eight, twenty-nine and thirty west, be and the same are hereby detached from the county of Iron; and that townships numbered forty-two, forty-three and forty-four north, of range twenty-seven west, and township numbered forty-four north, of ranges twenty-eight, twenty-nine and thirty west, be and the same are hereby detached from the county of Marquette, and the territory so detached from said counties of Menominee, Iron and Marquette is hereby organized into a county to be known as the county of Dickinson.

From Iron
county.

From Marquette
county.

Dickinson county
organized.

SEC. 2. The county seat of said county is hereby located at the city of Iron Mountain.

County seat.

SEC. 3. All the county officers of said county of Dickinson shall be appointed by the Governor, and, when duly qualified, shall enter into their several offices and discharge the duties thereof on and after the first day of August, eighteen hundred and ninety-one, and hold the same until the first day of January, eighteen hundred and ninety-three, and until their successors are elected and qualified.

County officers to
be appointed by
the Governor.

SEC. 4. The county officers of Menominee, Iron and Marquette counties, respectively, shall exercise all the powers and perform all the duties now devolving upon them, in the territory taken from said counties, until the county officers of Dickinson county shall be appointed and qualified and enter upon the duties of their respective offices.

Present officers
to exercise
powers, etc.

SEC. 5. All suits or proceedings now pending, or that may be pending on the first day of August, eighteen hundred ninety-one, before any court, in the county of Menominee, Iron or Marquette, may be prosecuted to final judgment and execution, and, after the passage of this act and prior to said first day of August, eighteen hundred ninety-one, all suits or proceedings which might heretofore have been commenced in any court in said county of Menominee, Iron or Marquette, may be commenced and prosecuted to final judgment and execution, and all taxes heretofore levied shall be collected in the same manner, as though this act had not passed.

Of suits, taxes,
etc.

SEC. 6. The sheriff and county clerk appointed under the provisions of this act, shall provide a place in the city of Iron Mountain for holding the circuit court of said county of Dickinson and also suitable places in said city of Iron Mountain for the county offices, until the board of supervisors of said county of Dickinson shall provide for the same.

To provide place
for holding cir-
cuit court.

SEC. 7. The register of deeds of said county of Dickin-

100

Duty of register
of deeds, etc.

son shall transcribe or cause to be transcribed, the records of deeds, mortgages and other records, from the records of other counties so far as the same relate to lands in said county of Dickinson; and said register of deeds and such other person or persons as he may designate, shall have access to the books in the offices of the [registers] register of deeds in such other counties for that purpose, and the board of supervisors of said county of Dickinson shall make provision for defraying the expenses of the same. Such transcribed records shall be taken and received in all cases and have the same legal effect as the original records.

Body corporate.

SEC. 8. Said county of Dickinson is hereby created and declared a body corporate, with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

Judicial circuit.

SEC. 9. Said county of Dickinson shall be in the twenty-fifth judicial circuit.

Settlement be-
tween counties.

SEC. 10. The settlement between the said county of Dickinson and the counties of Menominee, Iron and Marquette, shall be made on the basis of the equalized valuation of the respective counties.

What townships
attached, etc.

SEC. 11. Surveyed townships numbered forty-four north, of ranges twenty-eight, twenty-nine and thirty west, are hereby attached to the township of Felch in said county of Dickinson, and townships numbered forty-two, forty-three and forty-four north, of range twenty-seven west and township numbered thirty-nine north, of range twenty-eight west, are hereby attached to the township of Breen in said county of Dickinson.

Approved May 21, 1891.

[No. 90.]

AN ACT to amend section nine of article two, of act number one hundred ninety-eight of the session laws of eighteen hundred seventy-three, being an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State," as amended by act one hundred seventy-seven of the session laws of eighteen hundred seventy-seven, and act two hundred thirty of the public acts of eighteen hundred eighty-seven, and act two hundred two of the public acts of eighteen hundred eighty-nine.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of act number one hundred ninety-eight of the session laws of eighteen hundred seventy-three, as amended by act one hundred seventy-seven of the session

laws of eighteen hundred seventy-seven, [and] act two hundred thirty of the public acts of eighteen hundred eighty-seven, and act two hundred two of the public acts of eighteen hundred eighty-nine, be and the same is hereby amended so as to read as follows:

SEC. 9. Every such corporation shall possess the general powers and be subject to the liabilities and restrictions following; that is to say: Powers and liabilities.

First, To cause such examinations and surveys of the proposed railroad or railroad tunnel to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes by its officers, agents and servants to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto: *Provided*, That it shall not be lawful for any such corporation by its officers, agents or servants to enter upon the land or water of any person or company to make any such examination or survey until such corporation shall have made, executed and delivered to the judge of probate of the county where such land or water lies, a bond to be approved by him, with two sufficient sureties running to the judge of probate of said county in his official name for the use of any person interested, in the penal sum of five thousand dollars, conditioned upon the payment by such corporation of all damages sustained by any person or company on occasion of any such examination or survey. Upon the delivery of such bond to said judge of probate and its approval by him he shall file the same in his office, and when so filed it shall be deemed a public record, and may be proved in court by a certified copy thereof. Any person or company having a claim for damages, arising under this section, may bring suit upon said bond in any court of said county having jurisdiction over the amount claimed in damages; To make surveys.

Second, To receive, hold and take such voluntary grants and donations of real estate and other property as shall be made to it to aid in the construction, maintenance and accommodation of such road or railroad tunnel, but the real estate thus received by voluntary grant, shall be held and used for the purpose of such grant only; To receive and hold property, etc.

Third, To purchase, and by voluntary grants and donations, receive, take and by its officers, engineers, surveyors and agents, enter upon, and take possession of, hold and use all such lands and real estate, franchises, and other property, as may be necessary for the construction, maintenance and accommodation of its railroad or railroad tunnels, stations, depots and other accommodations; but the same shall not be appropriated until the compensation to be made therefor is agreed upon by the parties, or ascertained as herein prescribed, be paid to the owners, or deposited as hereinafter directed, unless the consent of such owner be given therefor; To purchase, etc., lands for constructing road, etc.

To lay out and
construct road,
etc.

Fourth, To lay out its road, not exceeding one hundred feet in width, and to lay out its tunnel and its tunnel approaches not exceeding two hundred feet in width, and to construct the same, and, for the purpose of cuttings and embankments, and for procuring stone, gravel or other material, or for the purpose of draining its road bed or tunnel, to take, in the manner herein provided, such further lands adjacent to and in the vicinity of its road or tunnel, as may be necessary for the proper construction, operating and security of its road or tunnel;

To construct
road across
or tunnel under
streams, etc.

Fifth, To construct its road upon or across, or its railroad tunnel under any stream of water, water-course, private road, street, lane, alley or highway, and across or under any plank road, railroad, or canal, which the route of its road or railroad tunnel shall lie along, or intersect; but the corporation shall restore the stream, water-course, private road, street, alley, lane, highway, plank road, railroad or canal to its former state, as near as may be, but shall not materially obstruct the navigation of any stream, nor obstruct any public highway or street by cars or trains for more than five minutes at any one time, and the commissioner of railroads shall have authority to cause the removal of switches that are so located with reference to public highways or streets that by reason of the constant switching or shunting of cars the use of the public highway or street is materially obstructed, impeded or delayed; and such corporation shall construct suitable road and street crossings for the passage of teams by fitting down planks between and on each side of the rails of such road, the top of which shall be at least one-half inch higher than the top of the rails of such road; and in case of the construction of such railway upon any public street, lane, alley or highway, the same shall be on such terms and conditions as shall be agreed upon between the railroad company and the common council of any city, or the village board of any village, or the commissioners of highway of any township in which the same may be; but such railway shall not be constructed upon any public street, lane, alley, highway or private way until damages and compensation be made by the railroad company therefor to the owner or owners of property adjoining such street, lane, alley, highway, or private way, and opposite where such railroad is to be constructed either by agreement between the railroad company and each owner or owners, or ascertain as herein prescribed for obtaining property or franchises for the purpose of its incorporation to be paid to the owner thereof, or deposited as hereinafter directed.

Construction
upon streets, etc.

Compensation to
adjacent owners.

To unite with
other railroads,
etc.

Sixth, To cross, join, and unite its railroads with any other railroad now or hereafter constructed under any law whatever at any point on its route, and upon the grounds of such other railroad now or hereafter constructed with the necessary turn-outs, sidings, and switches, and other

accommodations and conveniences, in furtherance of the objects of its connections; and to make all such business arrangements as said companies may agree upon. And every company whose railroad shall be intersected by any other railroad shall unite with the owners of such other railroads in forming such intersections and connections and grant facilities for the same as hereinafter provided;

Seventh, To take, transport, carry, and convey persons and property on their said road or through such tunnel by the force and power of steam, animals, or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor: *Provided,* That in transporting freight by the car, loaded by the shipper and unloaded by the consignee, no railroad company shall charge for transporting each of such cars more than eight dollars for any distance not exceeding ten miles, nor more than fifty cents per mile for the second ten miles, nor more than twenty-five cents per mile for the third ten miles; and for distances exceeding thirty miles, in no case shall the charge between any two points on the said railroad exceed the minimum charge on the entire line. This provision shall not apply to the Upper Peninsula, nor to any company operating less than fifteen miles of railroad;

Eighth, To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures, and machinery for the accommodation and use of their passengers, freight, and business, and to obtain and hold all the lands necessary therefor;

Ninth, To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger and his or her ordinary baggage, not exceeding in weight one hundred and fifty pounds, shall not exceed the following prices, viz.: For a distance not exceeding five miles, three cents per mile; for all other distances, for all companies the gross earnings of whose passenger trains, as reported to the commissioner of railroads for the year one thousand eight hundred and eighty-eight, equaled or exceeded the sum of three thousand dollars for each mile of road operated by said company, two cents per mile, and for all companies the earnings of whose passenger trains reported as aforesaid, were over two thousand and less than three thousand dollars per mile of road operated by said company, two and a half cents per mile, and for all companies whose earnings reported as aforesaid were less than two thousand dollars per mile of road operated by said company, three cents per mile: *Provided,* That in future, whenever the earnings of any company doing business in this State, as reported to the commissioner of railroads at the close of any year, shall increase so as to equal or exceed the sum of two thousand or three thousand dollars per mile of road operated by said

To transport passengers, etc.

Proviso as to charges.

To erect depots, etc.

To regulate time, manner and compensation for transporting passengers, etc.

Three cents per mile.

Two cents per mile.

Two and a half cents.

Proviso.

Proviso as to
roads in Upper
Peninsula.

Further proviso
as to thousand
mile tickets.

Time tickets
shall be valid.

Company to re-
deem unused
portion.

company, then in such case said companies shall thereafter, upon the notification of the commissioner of railroads, be required to only receive as compensation for the transportation of any passenger and his or her ordinary baggage, not exceeding in weight one hundred and fifty pounds, a rate of two cents and a half, or two cents per mile as hereinbefore provided: *Provided*, That roads in the Upper Peninsula which report as above provided passenger earnings exceeding three thousand dollars per mile, shall not charge to exceed three cents per mile, and roads reporting less than three thousand dollars per mile shall be allowed to charge not to exceed four cents per mile: *Provided further*, That one thousand mile tickets shall be kept for sale at the principal ticket offices of all railroad companies in this State or carrying on business partly within and partly without the limits of this State, at a price not exceeding twenty dollars in the Lower Peninsula and twenty-five dollars in the Upper Peninsula. Such one thousand mile tickets may be made non-transferable, but whenever required by the purchaser, they shall be issued in the names of the purchaser, his wife, and children, designating the name of each on such ticket, and in case such ticket is presented by any other than the person or persons named thereon, the conductor may take it up and collect fare, and thereupon such one thousand mile ticket shall be forfeited to the railroad company. Each one thousand mile ticket shall be valid for two years only after date of purchase, and in case it is not wholly used within the time, the company issuing the same shall redeem the unused portion thereof, if presented by the purchaser for redemption within thirty days after the expiration of such time, and shall on such redemption be entitled to charge three cents per mile for the portion thereof used.

This act is ordered to take immediate effect.

Approved May 21, 1891.

[No. 91.]

AN ACT to provide for ceding to the United States of America exclusive jurisdiction over the property selected for fish hatchery purposes for use of the United States Fish Commission, in the township of Plymouth, county of Wayne and State of Michigan, during the time the United States shall be and remain the owner thereof, for all purposes except the administration of the criminal laws of the State of Michigan, and the service of civil and criminal process therein.

Jurisdiction
ceded.

SECTION 1. *The People of the State of Michigan enact*, That the State of Michigan hereby cedes to the United States, exclusive jurisdiction over the property heretofore

acquired by the United States by purchase, for the use of ^{Purpose.} the United States Fish Commission for fish hatchery purposes and other public uses, in the township of Plymouth, county of Wayne, and State of Michigan; said property being described by metes and bounds as follows: Commencing at the corners of sections three, four, nine and ten, town one south, of range eight east, running thence north forty minutes west along the east line of section four, three chains and twenty-nine links to a stake at the southeast corner of land of I. Slaght; thence north eighty-eight degrees west, along said Slaght's south line, three chains and three links to a stake at the southwest corner of said Slaght's land, thence north seven degrees west, along the west line of said Slaght's land, two chains and twenty-five links to an iron bolt driven in the center of a highway; thence south fifty-three and one-half degrees west, along the center of the highway, one chain and two links to an iron stake; thence north thirty-nine and one-half degrees west, ninety-five links to a stake and drain tile placed for a corner; thence north twelve degrees west, one chain and twenty-five links to a stake in the south line of lands of Major D. Gorton; thence south eighty-nine and three-fourths degrees west, along said Gorton's south line, five chains and sixty-four links to a stake at the southwest corner of said Gorton's land, and in the east line of lands of E. R. Reed; thence south one-fourth degree east, along the east line of said Reed's land, three chains and sixteen links to a stake; thence east thirty-eight links to a stake on the west side of a large spring; thence south thirty-four degrees, fifty minutes east, fifty links to a stake; thence south forty-two degrees five minutes east, fifty links to a stake; thence south fifty-five degrees, thirty-five minutes east, fifty links to a stake; thence south seventy-five degrees fifty-five minutes east, fifty links to a stake; thence south eighty-seven degrees twenty-five minutes east, one chain and twenty-one links to center of road to a stake; thence north fifty-three and one-half degrees east, along the center of said highway, sixty-five and one-half links to a stake; thence south fourteen degrees east, three chains to a stake on the south line of section four; thence east along the south line of said section, six chains and twenty-five links to the southeast corner of said section or place of beginning. The above described lands being a part of the southeast quarter of section four, and known as the Cold Springs Cream and Butter Company's land. Also, commencing at the corners of sections three, four, nine and ten, town one south, of range eight east, running thence west along the south line of section four, six chains and twenty-five links to a stake at the southwest corner of the lands of the Cold Springs Cream and Butter Company; thence north fourteen degrees west, along the line between the lands of said company and that of J. V. Harmon, three

Description of
property.

chains to a stake in the center of a highway; thence south fifty-three and one-half degrees west, along the center of said highway, two chains and twenty-three links to a stake; thence south two degrees ten minutes east, one chain fifty-eight links to the south line of section four; thence on the same course south, two degrees ten minutes east, twelve chains and sixty-two links to a stake; thence east seven chains and eighty-six links to a stake in the east line of section nine; thence north one and one-half degrees east, along the east line of said section nine, twelve chains and fifty-nine links to the northeast corner of said section or place of beginning; being one-half acre on section four, and ten acres and four-tenths on section nine. Said exclusive jurisdiction to continue during the time and so long as the title to the property be and remains in the United States, for all purposes except the administration of the criminal laws of the State of Michigan, and the service of civil and criminal process therein.

This act is ordered to take immediate effect.
Approved May 22, 1891.

[No. 92.]

AN ACT to detach certain territory from the county of Marquette, and to attach the same to the county of Iron.

Territory detached.

SECTION 1. *The People of the State of Michigan enact,* That townships numbered forty-five and forty-six, north of ranges numbered thirty-one, thirty-two, thirty-three, thirty-four west, be detached from the county of Marquette, and attached to the county of Iron.

Register of deeds to transcribe records, etc.

SEC. 2. The register of deeds of said county of Iron, shall transcribe, or cause to be transcribed, the records of deeds, mortgages, and other records from the records of the county of Marquette so far as the same relate to the territory hereby detached from said county of Marquette, and attached to said county of Iron. And said register of deeds, and such other person or persons as he may designate shall have access to the books in the office of the register of deeds of said county of Marquette, for that purpose, and the board of supervisors of said county of Iron shall make provision for defraying the expenses of the same. Such transcribed records shall be taken and received in all cases, and have the same legal effect as the original records.

Of taxes levied.

SEC. 3. All taxes heretofore levied upon the territory hereby detached from said county of Marquette, and attached to said county of Iron, shall be collected in the same manner as though this act had not passed.

Settlement between counties.

SEC. 4. The settlement between said counties of Iron and Marquette shall be made on the basis of the equalized valua-

tion of the respective counties for the year of our Lord one thousand eight hundred and ninety.

This act is ordered to take immediate effect.

Approved May 22, 1891.

[No. 93.]

AN ACT to prevent the spreading of milkweed in the State of Michigan, to provide for the destruction of the same and to authorize the assessment of a tax upon real estate for the payment of the expenses incurred in such destruction.

SECTION 1. *The People of the State of Michigan enact,* Milkweed to be cut by owner, etc.
That it shall be the duty of every owner, occupant or person having charge of lands in this State, to cut down, or cause to be cut down, all milkweed, *asclepias cornutus*, growing thereon, or on land between the center of any highway and said lands, or in any highway passing through the same, in each and every year so often as shall be sufficient to prevent said milkweed going to seed; and if any owner, occupant or person having charge of such lands shall knowingly suffer any such milkweed to grow thereon, and the same to ripen so as to cause or endanger the spreading thereof he shall, on conviction, be punished by a fine of ten dollars, Penalty. together with the costs of prosecution, and in default of payment of the same be imprisoned in the county jail of the county where the land is situated, for a period not exceeding twenty days.

SEC. 2. When any overseer of highways shall have knowledge or information that milkweed is growing upon any lands in his highway district, contrary to the provisions of this act, he shall see to it that the provisions of this act are carried out within his highway district and he shall give a written notice to the owner, occupant or person having charge of such lands, describing the same by their legal subdivisions, within his highway district whereon milkweed shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, occupant or person having charge of said lands shall refuse or neglect to cut or cause to be cut down the said milkweed, the overseer of highways shall enter upon the lands where said milkweed is growing and cause all such milkweed to be cut down and destroyed, doing as little damage as may be while in the performance of such duty, and the said overseer of highways shall not be liable for so entering upon said lands for the purpose of performing such duty except for any actual damage to the crops growing thereon which shall result from his willful and unlawful act or gross negligence: Overseer of highways to enforce this act.
Duty in case of refusal, etc.

Proviso as to
non-resident
lands.

Provided, That when such milkweed is found growing upon non-resident lands and no one to the knowledge or information of said overseer of highways shall have charge thereof it shall not be necessary to give notice before proceeding to cut down such milkweed.

Compensation
of overseer, etc.

SEC. 3. Each overseer of highways shall keep an accurate account of the expenses incurred and time employed by him in carrying out the provisions of section two of this act with respect to each parcel of land so entered upon, and for the time so employed he shall be entitled to charge at the rate of one dollar and fifty cents per day and seventy-five cents for each half day by him actually and necessarily employed while performing said duty, and when said duty shall have been performed in the destruction of milkweed growing on resident lands, or on lands in the charge of any person known to said overseer of highways he shall present a statement duly verified of such charges, describing the land whereon the same were incurred by its legal description, to the owner, occupant or custodian, and demand of him payment therefor. When any overseer of highways shall incur any expense or employ any time in the destruction of milkweed found growing on non-resident lands as provided in section two of this act, he shall make out a complete statement showing such expenses and time employed, and for which time employed he may charge at the same rate as for duties performed relative to resident lands, and shall file such statement with the township clerk as hereinafter provided.

Statement of
expenses, etc.

In case of neg-
lect or refusal
to pay, etc.

SEC. 4. In case the owner, occupant or custodian of any lands shall neglect or refuse for the space of thirty days to pay the charges of such overseer as specified in section three of this act, it shall be the duty of said overseer of highways to file such statement of charges with the township clerk of the township wherein such charges were incurred five days before the last Saturday of September of each year, and he shall also file within the same time with the said township clerk the aforesaid statements of charges incurred relative to all non-resident lands in his highway district. On the said last Saturday of September it shall be the duty of the township boards of the several townships of this State, with township clerk of which any statement of charges provided for in this act shall have been filed, to meet at the township clerk's office at the hour of ten o'clock in the forenoon for the purpose of auditing and allowing said charges. Said meeting shall be called by the township clerk by written notice served on each member of the board three days before the date fixed for said meeting. When such meeting of said township board shall have been called by the township clerk as aforesaid, it shall be the duty of said township board to meet as herein provided and audit all claims for charges found on file with the said township clerk, and at which meeting it shall be the right of all parties interested therein

Duty of town-
ship boards.

Clerk to give
notice of meet-
ing, etc.

to appear before said board and be heard with reference to the legality and amount of such charges.

SEC. 5. The amount of all claims for charges in this act provided for, which shall be audited and allowed by any township board, shall be paid to the several overseers of highways entitled thereto from the township treasury in the same manner as other charges allowed against townships are paid. How claims paid.

SEC. 6. The township clerk, after the allowance, shall make a statement of all such claims as have been so allowed under the provisions of this act, with a description of the lands relative to which such charges have been allowed, to the supervisor of the township who shall cause the several amounts so allowed to be levied on the lands so described in a separate column in the tax roll of his township, and which taxes so spread shall, in all respects, be collected or returned in the same manner as other taxes assessed upon real estate are collected or returned, and when the same are collected they shall be paid into the treasury of the township for the purpose of reimbursing such township for any expenses which may have been incurred in carrying out the provisions of this act. Clerk to make statement of claims, etc.

SEC. 7. Any person who shall knowingly sell any grass or other seed among which there is any seed of milkweed shall, for every such offense, upon conviction thereof, be punished by a fine not exceeding ten dollars, together with the costs of prosecution, and in default of the payment thereof be imprisoned in the county jail for a period not exceeding ten days. Penalty for selling milkweed seed, etc.

SEC. 8. Every overseer of highways who shall refuse or neglect to discharge the duties imposed on him by the provisions of this act shall be punished by a fine of ten dollars, together with the costs of prosecution, and in default of the payment thereof be imprisoned in the county jail for a period of ten days. Penalty on overseer for neglect, etc.

Approved May 22, 1891.

[No. 94.]

AN ACT to amend an act entitled "An act to authorize the incorporation of companies for the construction of union railroad stations and depots with the necessary connecting tracks and the management of the same," approved June ninth, one thousand eight hundred and eighty-one, by adding a new section thereto relative to the closing of streets and alleys by companies organized under [said] this act.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That an act entitled "An act to authorize the incorporation of companies for the construction of union railroad stations

and depots with the necessary connecting tracks and the management of the same," approved June ninth, one thousand eight hundred and eighty-one, be and the same is hereby amended by adding a new section thereto, to stand as section thirty-eight, as follows:

Power to close
or occupy any
street, etc.

Company to pay
damages, etc.

SEC. 38. Any corporation organized under this act, shall have power, with the consent of the common council of any city, or the village board of any village, in which the station and depot grounds of such company are located, to occupy and close any highway, street, or alley within the limits of its station and depot grounds, but such company shall pay to the parties entitled to the same, any and all damages that may accrue to them, in consequence of the closing of any such highway, street or alley; and such damages may be recovered in an action on the case in any court of competent jurisdiction, and his right of action shall obtain from and after the granting of consent of the common council or board of trustees aforesaid.

This act is ordered to take immediate effect.

Approved May 26, 1891.

[No. 95.]

AN ACT to provide for the laying out of a State road in Arenac county, to be known as the Standish and Maple Ridge State road.

Description of
route, etc.

SECTION 1. *The People of the State of Michigan enact,* That a State road shall be laid out and established, commencing at the village of Shearer, in the northwest corner of section four, in town twenty north, range four east, thence south along the section line, between sections four, five, eight, nine, sixteen, seventeen, twenty, twenty-one, twenty-eight, twenty-nine, thirty-two and thirty-three, in town twenty north, range four east, and continuing south on the section line between sections four, five, eight, nine, sixteen, seventeen, twenty, twenty-one and twenty-eight and twenty-nine, in town nineteen north, range four east, till said line strikes the right of way of the Jackson, Lansing & Saginaw railroad; thence southeast along the side of the right of way of said railroad to the village of Standish, and running thence north on the quarter line through section two, in town eighteen north, range four east, and sections thirty-five, twenty-six, twenty-three, fourteen and eleven, in town nineteen north, range four east, to the north quarter post of section eleven, in town nineteen north, range four east; thence west on the section line between sections two and eleven and three and ten, one mile to the south quarter post of section three in said town nineteen north, range four east; thence north on the quarter line through section three, in town nineteen north, range four east, to north quarter post of section three;

thence north on the quarter line through section thirty-four, in town twenty north, range four east, to north quarter post of section thirty-four aforesaid; thence east on the section line between sections twenty-seven and thirty-four, in said town twenty north, range four east, to southeast corner of section twenty-seven aforesaid; thence north on the section line between sections twenty-six and twenty-seven to the northeast corner of section twenty-seven; thence east between sections twenty-three and twenty-six and twenty-four and twenty-five, in town twenty north, range four east, to town line between town twenty north, range four east, and twenty north, range five east; thence commencing at the southwest corner of section seven in town twenty north, range five east, in the village of Maple Ridge and running south on the town line between town twenty north, range four east and town twenty north, range five east and town nineteen north, range four east and town nineteen north, range five east, to the southwest corner of northwest quarter of section nineteen in town nineteen north, range five east; thence east to the center of section nineteen in said town; thence south through the center of section nineteen and section thirty to the northeast corner of northwest quarter of section thirty-one in town nineteen north, range five east, to be known as the Standish and Maple Ridge State road.

SEC. 2. In order to secure the laying out of said State road, the board of supervisors of said county shall appoint a commissioner, who shall take and subscribe an oath of office and execute a bond to the people of the State of Michigan, with sufficient sureties in the penal sum of five hundred dollars, conditioned for the faithful performance of his duties as such commissioner. Such bond shall be approved by the county treasurer of said county and such bond and oath of office shall be filed in the office of said county treasurer of Arenac county.

Supervisors to
appoint commis-
sioner, etc.

Bond to be filed.

SEC. 3. Said road commissioner shall, as soon as may be, after his appointment, proceed to lay out such road. Said commissioner may employ a surveyor and other necessary assistants to aid in the performance of his duties.

Duty of commis-
sioner.

SEC. 4. For the purpose of locating said road, which shall be four rods wide, the said commissioner and his assistants may lawfully and peacefully enter upon the lands of any person or persons, which he may deem it necessary to enter upon to lay out said road: *Provided*, That no land shall be taken for such road without just compensation as provided by the general law relating to highways.

May enter on
lands, etc.

Proviso.

SEC. 5. The said commissioner shall receive two dollars per day for his services, and his account for his expenses incurred in laying out said road shall be paid by the board of supervisors of Arenac county.

Compensation.

This act is ordered to take immediate effect.

Approved May 26, 1891.

[No. 96.]

AN ACT to provide for the appointment, fix the compensation and prescribe the duties of the stenographer of the circuit courts of the counties of Iosco, Ogemaw, Alcona, Crawford and Oscoda, now composing the twenty-third judicial circuit.

Shall hold office
subject to the
provisions of
this act.

Appointment of
stenographer.

May appoint
deputies, etc.

Proviso.

Duty of, etc.

Compensation.

Amount to be
paid by each
county.

Judge to apportion
same.

Transcript to be
furnished.

Fee therefor.

SECTION 1. *The People of the State of Michigan enact,* That from and after the passage of this act the stenographer of the circuit courts of the counties of Iosco, Ogemaw, Alcona, Crawford and Oscoda, now composing the twenty-third judicial circuit, shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor upon the nomination of the judge thereof, and hold his office during good behavior, except that the court may suspend him for incompetency or misconduct, and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

SEC. 2. Said stenographer shall have power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided,* The stenographer shall have the power to revoke said appointment at any time with the consent of the court.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said court at each term and take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury at law or in chancery, and as compensation for such services he shall receive the sum of eighteen hundred dollars per annum, which said sum shall be paid in quarterly installments out of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of the said counties respectively, the preceding year; and on the first of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof; and when so notified, the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay in quarterly installments, the annual salary of said stenographer, in accordance with the said apportionment and notification of said circuit judge; and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

SEC. 4. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes, it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of eight cents

per folio for the first copy and ten cents for two copies, and in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case at law or in chancery in order to remove such cause to the Supreme Court, and the circuit judge shall so certify, then the amount of the stenographer's fees may be taxed, if the appellant shall prevail in the Supreme Court, as a proper disbursement, and each such transcript may be used by the opposite party in proposing amendments to the record.

SEC. 5. Each and every issue of fact shall be taxed three dollars to be paid by the parties to the suit, in equal proportions before the taking of testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the hands of the county treasurer, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

Cases to be taxed.

SEC. 6. Before entering upon the duties of his office under this act, such stenographer shall take and subscribe the official oath provided by the constitution, which shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each county respectively composing said circuit, and any deputy appointed by said stenographer shall take and subscribe the oath in the same manner.

Official oath.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing of any case, shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely bind or attach together all the notes taken in said cause and [properly] property entitle them upon the outside, and safely keep the same in his office as part of the files in the case and subject to inspection as other records in said case; and in case of the death, removal or resignation of said stenographer said notes shall be transferred to the county clerk's office of the county where such notes were taken and there kept subject to the direction of the circuit court for said county.

Notes, etc., preservation of, etc.

SEC. 8. In cases tried in the said courts where said stenographer shall be engaged, it shall not be necessary for the charge of the court to be in writing, as provided by an act entitled "An act to declare and establish the practice of charging and instructing juries and settling the law in cases tried in the circuit courts," approved March twenty-five, eighteen hundred and sixty-nine.

Charge need not be in writing.

SEC. 9. All acts or parts of acts contravening the provisions of this act shall be construed as void and of no effect as applied to the counties in the twenty-third judicial circuit.

Repealing clause.

This act is ordered to take immediate effect.

Approved, May 26, 1891.

[No. 97.]

AN ACT to amend section eight of chapter one hundred and nineteen of the compiled laws of one thousand eight hundred and seventy-one, being compiler's section four thousand four hundred and eighty-eight of Howell's Annotated Statutes, relative to authorizing the incorporation of the Independent Order of Odd Fellows.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section eight of chapter one hundred and nineteen of the compiled laws of one thousand eight hundred and seventy-one being compiler's section four thousand four hundred and eighty-eight of Howell's Annotated Statutes, relative to authorizing the incorporation of the Independent Order of Odd Fellows, be and the same is hereby amended so as to read as follows:

Incorporation of
grand encamp-
ments, etc.

SEC. 8. Any grand encampment or grand canton of the Independent Order of Odd Fellows of the State of Michigan, and any subordinate encampment or canton thereof, having been duly chartered, may be incorporated in like manner as grand and subordinate lodges of the Independent Order of Odd Fellows, and enjoy the same powers, privileges and benefits under the provisions of this act.

Approved May 26, 1891.

[No. 98.]

AN ACT to amend sections one, seven and nine of act number one hundred forty, laws of eighteen hundred eighty-three, entitled "An act to regulate the practice of dentistry in the State of Michigan," and to add two new sections thereto to stand as sections thirteen and fourteen of said act.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, seven and nine of act number one hundred forty of the laws of eighteen hundred eighty-three, be and the same are hereby amended, and two sections be and the same are hereby added to said act to stand as sections thirteen and fourteen, so that said sections one, seven, nine, thirteen and fourteen shall read as follows:

Practice of
dentistry unlaw-
ful without
diploma, etc.

SECTION 1. It shall hereafter be unlawful for any person to practice dentistry in this State, unless such person has received a diploma from the faculty of a reputable dental college, duly incorporated under the laws of this, or some other State of the United States, with a course of instruction and practice fully equal or equivalent to that of the college of dental surgery of the University of Michigan, or

a certificate of qualification from the board of examiners provided for by this act: *Provided*, That the provisions of this act shall in no way apply to or affect any person who is now located and lawfully in actual practice in this State. Proviso.

SEC. 7. Any member of said board of examiners may, when the board is not in session, examine applicants, and in case any applicant is found competent, grant a license to him to practice dentistry in this State until the next meeting of said board, and no longer. Each applicant so examined shall pay the sum of three dollars: *Provided*, That no member of [the] said board shall grant a license to one who has been rejected on examination by the board. Granting of licenses by members of, etc. Proviso.

SEC. 9. Each applicant for examination by the board shall pay into the treasury of the board the sum of ten dollars, which shall constitute a fund to defray the expenses of the board; and each member of the board shall receive therefrom the sum of three dollars per day for services rendered as such examiner. The said board shall keep a list of the names of all persons to whom licenses have been granted under the provisions of this act, and also of all persons practicing dentistry in this State in a book provided for that purpose, with the names arranged in alphabetical order. Fee for license. Compensation of board. Board to keep list of persons licensed.

SEC. 13. For the purposes of instruction students may be employed to assist in dental offices, and in the college of dental surgery of the University of Michigan, under the immediate observation and advice of the legal proprietors and professors thereof, but no person not legally qualified and registered under this act shall assume the charge and management of any dental office, or the responsibility of deciding upon or the doing of dentistry at any private residence or elsewhere. Students may be employed, etc.

SEC. 14. All persons not now registered, who desire to practice dentistry in this State, shall apply to the secretary of the board [for] of registration. Each person seeking registration by virtue of a diploma shall send an affidavit to the secretary of the board, setting forth his name, place of business, postoffice address, the date of his graduation, and the name of the dental school from which graduated, and a registration fee of three dollars. All applicants found qualified under this act shall be properly and promptly registered by the secretary of the board. Dentists must register. When affidavit required.

Approved May 26, 1891.

[No. 99.]

AN ACT for the protection of fish in the lakes known as Eagle lake in the townships of Bloomingdale and Cheshire in the counties of Van Buren and Allegan, and the lakes known as Pugsley's lake and Four-mile lake in the town-

ship of Paw Paw, in the county of Van Buren for a period of ten years.

Unlawful to
fish in certain
manner.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful to catch, kill or destroy fish with seines or with any species of continuous net or with any form of spears or with any description of fire-arms or other explosives in the inland lakes known as Eagle lake in the townships of Bloomingdale and Cheshire, in the counties of Van Buren and Allegan and Pugsley's lake and Four-mile lake, in the township of Paw Paw, county of Van Buren, for a period of ten years from and after the passage of this act.

Penalty.

SEC. 2. Any person or persons offending against any of the provisions of this act shall, upon conviction thereof, before any court of competent jurisdiction, be liable to a fine of not less than five nor more than one hundred dollars, or to imprisonment in the county jail not less than five nor more than sixty days, or both, at the discretion of the court.

Approved May 26, 1891.

[No. 100.]

AN ACT making appropriations for the State Industrial Home for Girls, for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two.

Appropriation;
amount of, and
purpose.

SECTION 1. *The People of the State of Michigan enact,* That there be and is hereby appropriated from the general fund the sum of thirty-five thousand dollars to meet the current expenses of the State Industrial Home for Girls, for the year eighteen hundred and ninety-one, and the further sum of thirty-five thousand dollars for a like purpose, for such State institution for the year eighteen hundred and ninety-two.

Further ap-
propriation.

Purpose of.

SEC. 2. The further sum of ten thousand seven hundred and sixty dollars is appropriated for the following purposes, for the year eighteen hundred and ninety-one, viz.: For a new school house, ten thousand dollars; for device for locking rooms and for fire escapes at Palmer cottage, three hundred and thirteen dollars; for two wells and necessary extension of well house, three hundred dollars; for one pair of twenty-two feet scales set in position ready for use, one hundred and forty-seven dollars.

To be incor-
porated in tax of
1891-2.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the years of eighteen hundred and ninety-one and eighteen hundred and ninety-two the amounts appropriated in sections one and two of this act, for each of such years as are provided in said sections, to be assessed, levied and collected as other State taxes are

assessed, levied and collected, which amounts, when collected, shall be passed to the credit of the general fund to reimburse the same for the sums appropriated by this act.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 101.]

AN ACT to designate and establish a State road in Bay county, to be known as the West Bay City and Bangor State road.

SECTION 1. *The People of the State of Michigan enact,* Location of.
That the road or highway in Bay county, commencing at the southeast corner of section thirty, in town fourteen north of range five east in Bay county, running thence north along the section line between sections twenty-nine and thirty, nineteen and twenty, seventeen and eighteen, seven and eight and five and six, in said town and range, thence north along the section line between sections thirty-one and thirty-two, and twenty-nine and thirty, in town fifteen north of range five east to the bay shore in Bay county, shall be and is hereby designated and established as a State road to be hereafter known as the West Bay Name.
City and Bangor State road.

SEC. 2. The care, custody and control of said road is Care of road, etc.
hereby vested in the board of stone road commissioners of Bay county; said commissioners shall have authority to grade, drain, construct and macadamize said road or place thereon any other form of improvement which in their judgment they may deem best; they shall have authority to construct and maintain bridges and culverts on the line of said road; the board of supervisors of Bay county and the said board of stone road commissioners shall perform such other duties in respect to such road and the improvement thereof, as is prescribed by law, with respect to other State roads in Bay county and in respect to the improvement of such other State roads.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 102.]

AN ACT to amend sections five and six of chapter thirty-two of the compiled laws of eighteen hundred seventy-one, being compiler's sections one thousand four hundred and seventy-seven and one thousand four hundred and seventy-eight of Howell's Annotated Statutes, being an act to

provide for the recording of town plats and for vacating the same in certain cases.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections five and six of chapter thirty-two of the compiled laws of eighteen hundred seventy-one, being compiler's sections one thousand four hundred and seventy-seven and one thousand four hundred and seventy-eight of Howell's Annotated Statutes, relative to town plats, be and the same are hereby amended so as to read as follows:

How owners may
alter or vacate
plat, etc.

Petition.
Contents of.

Filing of.

Publishing
notice.

Hearing of
petition.

Evidence of
notice, etc.

Court to
alter, etc.

How titles are
vested.

SEC. 1477. That if any owner or owners of any part of a town shall be desirous of altering or vacating the same or any part thereof, it shall be lawful for such owner or owners, or the prosecuting attorney of the proper county, in the cases above specified, to petition the circuit court for the proper county, setting forth the particular circumstances of the case and giving a distinct description of the property to be vacated or altered, the names of the persons to be particularly affected thereby, and the extent of their interest in that part of the town which it is proposed to alter or vacate, which petition shall be filed with the clerk of said court at least thirty days previous to the sitting of the court to which he, she or they intend to make such application; and notice of the pendency of such petition and of the time when such application will be made, shall be given by publishing the same once in each week for three successive weeks, in a newspaper printed in said county, and by posting up the same in three of the most public places in the town, city or village where such lands are situated, at least twenty days before the hearing of such application; such notice to contain a description of the property to be altered or vacated.

SEC. 1478. That the hearing of such petition may be continued from term to term in the discretion of the court, without further notice, and that on the hearing thereof any person owning any lands immediately adjoining that part which it is proposed to alter or vacate, may appear in opposition to such petition; and if upon such hearing the applicant or applicants, shall produce to said court satisfactory evidence that the notice required by the preceding section of this act has been given, and that there is no reasonable objection to making such alteration or vacation, the court shall proceed to alter or vacate said town or village or any part thereof; and the part vacated, if it be a lot or lots, shall vest in their rightful owner; and if the same be a street or alley the same shall be attached to the lot or ground included in such plat and bordering on such street or alley; and in case the land included in such plat on opposite sides of such street or alley, shall be owned by different persons, then the title to such street or alley shall vest in the persons owning the property on each side thereof to the center of such street or alley, except when a part of one or both sides of a street or alley shall be vacated,

then the part or parts vacated shall be attached to and the title thereof vest in the owner or owners of the lot or lots included in such plat adjoining the same, and the court shall order their proceedings therein to be recorded by the clerk with the record of said court: *Provided*, That the vacating of any town or any part of the same shall not vacate any part of a State or county road; and in all cases where, by any of the laws of this State, or in pursuance thereof, any street or alley shall be vacated, the title to such street or alley shall vest in the person or persons who would be entitled to the same by the preceding provisions of this section, in case such street or alley had been vacated by the circuit court of the proper county under the provisions of this act as hereby amended.

Approved May 27, 1891.

[No. 103.]

AN ACT to amend section seven of an act for the construction of sidewalks within and along highways in townships and villages, being act number sixty of the public acts of eighteen hundred eighty-three, approved April 27, 1883.

SECTION 1. *The People of the State of Michigan enact*, That section seven of an act for the construction of sidewalks within and along highways in townships and villages, being act number sixty of the public acts of eighteen hundred eighty-three, approved April twenty-seventh, eighteen hundred eighty-three, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 7. Whoever shall ride or drive upon any sidewalk laid out according to the provisions of this act, except for the purpose of crossing the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five dollars and the costs of prosecution, or by imprisonment in the common jail of the county not exceeding ten days, or by both such fine and imprisonment, in the discretion of the court. Riding or driving upon a sidewalk a misdemeanor. Penalty.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 104.]

AN ACT to provide for the incorporation of mutual provident associations of miners, trammers, timbermen, landers, engineers, blacksmiths, carpenters, and all other laborers

in and about iron, gold, silver, lead, copper and coal mines.

Number of
incorporators,
etc.

Purposes of in-
corporation.

Articles of
agreement, etc.

Filing of.

What articles to
contain.

Power to hold
real estate, etc.

How funds shall
be used, etc.

SECTION 1. *The People of the State of Michigan enact,* That any number of persons, not less than twenty-five, being miners, trammers, timbermen, landers, engineers, blacksmiths, carpenters and laborers in and about iron, gold, silver, lead, copper and coal mines, being desirous of becoming incorporated for the purpose of mutual aid in case of sickness and accident and also for the purpose of providing medicines and medical and surgical attendance in case of sickness and accident, and also for the purpose of mental improvement, and for the above purposes to lease, erect and maintain buildings, and to lease and hold land for the same may be incorporated in pursuance of this act.

SEC. 2. Such persons shall execute under their hands and acknowledge before some person authorized to take acknowledgment of deeds one or more duplicate articles of agreement as hereinafter specified, one copy of which shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or of a certified copy thereof, in the clerk's office in the county in this State in which the office of such association for the transaction of business may be located: and, upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body corporate for the purposes set forth in said articles.

SEC. 3. Articles of association shall contain:

First, The names of the persons associating in the first instance and their places of residence;

Second, The name of such corporation and the place where its office for the transaction of business was located, and the period for which it was incorporated, not exceeding thirty years;

Third, The objects for which it is organized;

Fourth, The number of its trustees, if any, who shall be members of the association, and its regular officers, and the time and place of holding its annual meeting;

Fifth, The terms and conditions of active and honorary membership therein.

SEC. 4. No such corporation shall have power to take or hold any real estate, except such as may be necessary for the transaction of its business and the purposes for which it was organized.

SEC. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested and the income thereof used for the exclusive [purpose] purposes set forth in the articles of incorporation, and no portion of the funds of such corporation shall in any case be otherwise applied. Such corporation may take by gift, purchase or devise property to an amount not exceeding five hundred

thousand dollars, and it shall be lawful to invest the same by mortgage or by loan, or in bonds, or any city, county, State or United States securities, but no loan shall be made to any trustee or officer of such corporation.

SEC. 6. The members of such corporation shall have power to prescribe the terms, rules and regulations, as set forth in the articles of association of this act, upon which members shall be admitted and continue entitled to the benefits provided for in the articles of incorporation thereof, and every member shall be deemed to have assented to such terms and conditions by the act of accepting membership.

Members to prescribe rules, etc.

SEC. 7. A person under the age of twenty-one, elected or admitted as a member of a society, shall be liable to the payment of fees and otherwise under the rules of the society, as if he were of full age.

Payments by minors.

SEC. 8. When under the rules of any society formed under this act money becomes due to or for the use or benefit of a member thereof, such money shall be free from all claims by the creditors of such member; and in case any money is paid in good faith to the person who appears to the treasurer or other officer to be entitled to receive the same, or is applied in good faith for the purposes by the rules provided, no action shall be brought against the treasurer or other officer of the society in respect thereof; but nevertheless if it subsequently appears that the money has been paid to the wrong person, the person entitled thereto may recover the amount with interest from the society.

Payment of money, to whom made, etc.

SEC. 9. The members by a four-fifths vote, at any regular meeting may admit any person to be an honorary member of the society, but no honorary member shall be entitled to receive any benefit from the society.

Honorary members.

SEC. 10. Every society or association doing business under the foregoing provisions shall annually, on or before the first day of March in each year, report to the Insurance Commissioner, the names and addresses of its president, secretary and treasurer, or other officers answering thereto and the location of the principal office of the society in this State; and shall make any further statement of its membership and financial transactions for the year ending on the preceding thirty-first day of December, with other information relating thereto, as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at other times require any further statement he may deem necessary to be made relating to the proper exhibit of the business of such society or association.

To make annual reports, etc.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 105.]

AN ACT making an appropriation for the unpaid portion of salaries of circuit judges.

Appropriation;
purpose of, etc.

SECTION 1. *The People of the State of Michigan enact,* That there shall be paid to each of the persons who were circuit judges from November seventh, one thousand eight hundred and eighty-two to January first, one thousand eight hundred and eighty-three, or their legal representatives, the sum of one hundred and forty-seven dollars and twenty cents, out of any money in the State Treasury belonging to the general fund, not otherwise appropriated.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 106.]

AN ACT to provide for the incorporation of the supreme temple, grand temples and primary societies of the Legion of the Cross, and to define their objects and prescribe their powers.

May incorporate.

SECTION 1. *The People of the State of Michigan enact,* That the supreme temple, grand temples and primary societies of the Legion of the Cross may be incorporated in pursuance of the provisions of this act.

Number, etc., of
incorporators,
etc.

SEC. 2. Any ten or more members of the Legion of the Cross, residing in this State, and who are officers or representatives in the supreme temple of said order, desiring to become incorporated, may make and execute under their hands and seals, and acknowledged before some officer authorized by law to take acknowledgments to deeds, articles of association which shall set forth:

Articles of
association;
contents.

First, The names, and official position in the supreme temple, of the persons so associating, and their respective places of residence;

Second, The corporate name of the association, which shall be the supreme temple of the Legion of the Cross, and the place where its business office is located; and

Third, The object and purpose of such association, which shall be to manage, control, govern, organize, institute and charter grand temples and primary societies of the order, for social, moral and benevolent purposes, and the period of incorporation, which shall not exceed thirty years.

Incorporation of
grand temple,
etc.

SEC. 3. Any ten or more members of said order, residing in this State, who are officers or representatives in any grand temple of said order, desiring to become incorporated, shall make, execute and acknowledge, in the manner and form prescribed in section two of this act, articles of association which shall set forth:

First, The names and official positions in the grand temple, of the persons so associating, and their places of residence; Articles; contents.

Second, The corporate name of the association, which shall be such as has been granted by the supreme temple, and the place where its business office is located; and

Third, The object and purpose of such association, which shall be to manage, control, govern, organize, institute and charter primary societies of said order, within its territorial jurisdiction in accordance with the constitution and laws of the order for social, moral and benevolent purposes; and the period of the corporation, which shall not exceed thirty years.

SEC. 4. Any ten or more members of any primary society of said order, residing in this State, desiring to be incorporated, shall make, execute and acknowledge, in manner and form prescribed in section two of this act, articles of association, which shall set forth: Primary societies.

First, The names of the persons associating in the first instance, and their places of residence;

Second, The corporate name of the association, which shall be such as shall have been designated in its charter; and the place where its business office is located; and

Third, The objects and purpose of the association, which shall be for social, moral and benevolent purposes; and the period of its incorporation, which shall not exceed thirty years.

SEC. 5. The articles of any such association shall be filed and recorded in the office of the Secretary of State, and a copy of the record thereof duly certified by such secretary, together with the certificate, shall be filed and recorded in the office of the clerk of the county where the business office of the association is located, and thereupon the persons so associating therein, their associates and successors, shall be a body corporate and politic, by the name expressed in such articles, and by that name they and their associates and successors shall have succession and shall be capable of suing and being sued, and shall have a common seal to be altered at pleasure, in such manner as the constitution or laws of the order shall prescribe. Such corporation may take, purchase, receive, hold and enjoy real, personal and mixed property, not exceeding in amount one hundred and fifty thousand dollars; and may give, grant, mortgage, sell, lease, devise and dispose of all or any part of such property at pleasure, and the rents, profits and proceeds shall be devoted exclusively to the benevolent purposes of the said order. A copy of such articles of association and certificate, as recorded by the county clerk, duly certified by such clerk, shall be *prima facie* evidence in all courts and tribunals, of the due incorporation of such association. Body corporate. May hold property, etc. Copy to be evidence.

SEC. 6. The supreme temple shall have full power to make, ordain, establish, enact, modify, revise, amend and repeal a constitution, laws, by-laws, rules and regulations for Power of supreme temple, etc.

the government of the supreme temple, of all grand temples and primary societies of the order, and the governmental departments of such temples, not repugnant to the constitution and laws of the United States and of this State; and to designate, elect or appoint officers of the supreme temple, of grand temples and primary societies under such name and styles as shall be prescribed in the constitution of the order, and to designate the mode and time of electing or appointing such officers, and for their suspension or removal, and for the mode of accepting, organizing, instituting and chartering grand temples and primary societies of the order, and suspending and revoking any charter so granted. It shall have power to create and organize for itself, its grand temples and primary societies, legislative, executive and judicial departments of government, and to prescribe the powers and duties of each, and to create, manage and disburse, and provide for the creation, management and disbursement by grand temples and primary societies of mutual benefit or relief funds, to be expended in case of the death, sickness, distress, total disability, or arrival at the age of expectancy of life, of members, under such laws, rules and regulations as the supreme legislative department shall adopt, and as shall be ratified by a two-thirds majority of the beneficiary members of the whole order.

But one supreme temple to be incorporated, etc.

SEC. 7. No more than one association shall be incorporated under this act as the supreme temple of the Legion of the Cross, and the articles of association of any grand temple or primary society of said order shall not be accepted for record in the office of the Secretary of State, unless the same shall have indorsed thereon the approval of the supreme temple of said order, by the supreme presiding officer and supreme secretary, attested by the seal of the supreme temple.

May erect edifice, etc.

SEC. 8. Any corporation formed under this act may erect and use a suitable edifice of its own design, for its own use, and may maintain a library. Such corporation shall be subject to the provisions of chapter one hundred and thirty of Howell's Annotated Statutes of this State, so far as the same may be applicable.

Approved May 27, 1891.

[No. 107.]

AN ACT making an appropriation for the erection of a detached building for male patients on the grounds of the Michigan Asylum for Insane Criminals.

Appropriation; purpose of, etc.

SECTION 1. *The People of the State of Michigan enact,* That there be and is hereby appropriated from the general fund for the year one thousand eight hundred and ninety-one,

the sum of twenty-five thousand dollars for the erection and furnishing one detached building for seventy-five male patients on the grounds of the Michigan Asylum for Insane Criminals, and to construction of connecting corridors to present cottage building.

SEC. 2. That the moneys hereby appropriated may be drawn from the State treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary. How drawn.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year one thousand eight hundred and ninety-one the amount appropriated by section one of this act, to be assessed; levied and collected as other State taxes are assessed, levied and collected, which, when collected, shall be passed to the credit of the general fund to reimburse the same for moneys appropriated by section one of this act. To be incorporated in tax of 1891.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 108.]

AN ACT to further amend section eight hundred and thirty-four of the compiled laws of one thousand eight hundred and seventy-one, being section eight hundred and seventy-four of Howell's Annotated Statutes, relative to the organization of the military forces of the State.

SECTION 1. *The People of the State of Michigan enact,* Section amended. That section eight hundred and thirty-four of the compiled laws of one thousand eight hundred and seventy-one, being section eight hundred and seventy-four of Howell's Annotated Statutes, as amended, be and the same is hereby amended so as to read as follows:

SEC. 7. The State troops shall be composed of not exceeding forty companies of infantry, beyond which in time of peace there shall be no increase: *Provided, however,* Number of companies of State troops. That it shall be lawful to procure not exceeding four Gatling guns or other repeating or revolving guns and to provide for their use by said companies of infantry or detachments therefrom. Provide as to Gatling guns.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 109.]

AN ACT to apportion anew the representatives among the several counties and districts of this State.

Ratio of representation.

Counties entitled to one or more representatives.

Representative districts.

SECTION 1. *The People of the State of Michigan enact,* That the House of Representatives shall hereafter be composed of one hundred members, elected agreeably to a ratio of one representative to every twenty thousand nine hundred and thirty-eight persons, including civilized persons of Indian descent not members of any tribe, in each organized county, and one representative to each county having a fraction more than a moiety of said ratio, and not included therein, until the one hundred representatives are assigned, that is to say: Within the county of Wayne, twelve; Kent five; Saginaw, four; Bay, three; St. Clair, three; Allegan, two; Berrien, two; Calhoun, two; Genesee, two; Ingham, two; Ionia, two; Jackson, two; Kalamazoo, two; Lenawee, two; Macomb, two; Marquette, two; Monroe, two; Muskegon, two; Oakland, two; Ottawa, two; Sanilac, two; Tuscola, two; Washtenaw, two; Barry, one; Branch, one; Cass, one; Clinton, one; Eaton, one; Gogebic, one; Gratiot, one; Hillsdale, one; Huron, one; Isabella one; Lapeer, one; Livingston, one; Manistee, one; Mason, one; Mecosta, one; Menominee, one; Montcalm, one; Newaygo, one; Oceana, one; Shiawassee, one; St. Joseph, one; Van Buren, one.

The counties of Midland and Gladwin shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Midland.

The counties of Clare, Roscommon and Ogemaw shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Clare.

The counties of Wexford and Missaukee shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Wexford.

The counties of Osceola and Lake shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Osceola.

The counties of Grand Traverse, Leelanau and Benzie shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Grand Traverse.

The counties of Antrim and Charlevoix shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Charlevoix.

The counties of Iosco and Arenac shall constitute a representative district and be entitled to one representative,

and the election returns of said district shall be made to ^{Idem.} the county of Iosco.

The counties of Kalkaska, Crawford, Oscoda, Otsego, Montmorency and Alcona shall constitute a representative district, and be entitled to one representative, and the election returns of said district shall be made to the county of Alcona.

The counties of Alpena and Presque Isle shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Alpena.

The counties of Cheboygan and Emmet shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Cheboygan.

The counties of Chippewa, Mackinac and Luce shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Chippewa.

The counties of Delta, Schoolcraft, Alger and Manitou shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Delta.

The counties of Keweenaw and Isle Royal and the townships of Calumet and Osceola in the county of Houghton, shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Keweenaw.

The townships of Adams, Chassell, Duncan, Franklin, Hancock, Laird, Portage, Quincy, Schoolcraft and Torch Lake in the county of Houghton shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Houghton.

The counties of Baraga, Dickinson, Iron and Ontonagon shall constitute a representative district and be entitled to one representative, and the election returns of said district shall be made to the county of Dickinson.

Approved May 28, 1891.

[No. 110.]

AN ACT to re-organize the eleventh and thirteenth judicial circuits and to create the thirty-third judicial circuit.

SECTION 1. *The People of the State of Michigan enact,* ^{Eleventh judicial circuit.} That from and after this act shall take effect the counties of Chippewa, Luce, Schoolcraft and Alger, shall be formed into and constitute the eleventh judicial circuit; the counties of Grand Traverse, Leelanau, Antrim and Charle-

Thirteenth
judicial circuit.

Thirty-third
judicial circuit.

Vacancy to be
filled by Gov-
ernor.

Election of cir-
cuit judge, when
to be held, etc.

Idem.

Duty of sheriff,
etc.

Elections, how
conducted, etc.

voix shall be formed into and constitute the thirteenth judicial circuit: and the counties of Mackinac, Manitou, Emmet and Cheboygan shall be formed into and constitute the thirty-third judicial circuit.

SEC. 2. The office of circuit judge of the thirty-third judicial circuit, hereby created, shall be vacant from the time this act takes effect, which said vacancy shall be filled by appointment by the Governor. The person so appointed shall hold his office provisionally from the time of his appointment and qualification and until his successor is duly elected and qualified. At the general spring election to be held in the year eighteen hundred ninety-two, the qualified voters of the counties comprising the said thirty-third judicial circuit shall elect a circuit judge for said circuit, who shall hold his office until the first day of January, eighteen hundred ninety-four, and until his successor is elected and duly qualified. At the general spring election to be held in the year eighteen hundred ninety-three, and at the general spring elections to be held every six years thereafter, the qualified voters of the counties comprising the said thirty-third judicial circuit shall elect a circuit judge for said circuit who shall hold his office for the term of six years from and after the first day of January after his election, and until his successor is elected and qualified.

SEC. 3. It shall be the duty of the sheriffs of the several counties mentioned, at least thirty days before the general spring election to be held in the year eighteen hundred and ninety-two, to notify the township clerk of each township, and the inspectors of election of each ward in any city in their respective counties, of said election of circuit judge, and said township clerks and ward inspectors shall post notices, in the usual manner for such elections in townships and wards, at least ten days previous to the day of election.

SEC. 4. The said elections for circuit judge shall be conducted and returns made as prescribed by law for the election of circuit judges in the several judicial circuits of this State, and the Secretary of State shall, without delay, on the receipt of the returns from said counties, proceed to canvass the votes, and to deliver to the person elected a copy of their determination or certificates of election, as required by law.

This act is ordered to take immediate effect.

Approved May 29, 1891.

[No. 111.]

AN ACT providing for the appointment, defining the duties and fixing the compensation of a stenographer for the thirty-third judicial circuit.

SECTION 1. *The People of the State of Michigan enact,*

That a stenographer for the thirty-third judicial circuit shall be appointed by the Governor, on the certificate of the circuit judge that a stenographer is desirable in said court. The person so appointed shall take and subscribe to the official oath prescribed by the constitution, which oath shall be administered by the presiding judge. He shall be deemed an officer of the court, and shall hold the position during the pleasure of the Governor: *Provided*, The court shall have power to suspend him for incompetency or misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension shall within thirty days be rescinded.

Appointment provided for.

Term, suspension of, etc.

Proviso.

SEC. 2. In case of the death, resignation, removal or suspension of the stenographer, the Governor shall, upon the recommendation of the circuit judge, appoint a successor to the office; but in case of sickness or temporary absence of the stenographer, the judge may appoint some competent person during his absence, the expense thereof to be paid by the stenographer holding the appointment.

In case of death, etc.

SEC. 3. It shall be the duty of the stenographer to attend upon the circuit court of each of the counties composing said circuit during each term thereof respectively, unless notified to the contrary by the circuit judge, and to take full stenographic notes of all testimony given and [proceedings] proceeding had upon the trial or hearing of cases therein. The stenographer so appointed shall receive a salary not to exceed eight hundred dollars per annum to be fixed by the judge of said circuit and payable in monthly installments out of the county treasury of each of the counties composing said circuit, according and in proportion to the amount of business done therein the preceding year in which the stenographer is employed; and it shall be the duty of the circuit judge of said circuit, on the first day of January in each year, or as soon thereafter as may be, to apportion the amount of salary to be paid by each county in said circuit, for the then ensuing year, on the basis aforesaid.

Duty.

Salary, etc.

Judge to apportion amount to each county.

SEC. 4. In each and every issue of fact, at law or in chancery, tried and heard before the court or jury, and in each chancery case in which the proofs are taken in open court, in which the stenographer shall be employed, there shall be taxed the sum of three dollars, one-half to be paid by the plaintiff or complainant and one-half to be paid by defendant at the commencement of such trial or hearing, into the hands of the clerk, and by him paid into the county treasury of the county in which said case is tried or heard and placed to the credit of the general fund.

Issues of fact to be taxed.

SEC. 5. It shall be the duty of the said stenographer, upon the order of the court, to furnish in legible English, a full copy of the notes taken by him on the trial or hearing of any cause, without cost to either party, and file the same with the clerk of the county wherein such case was

To furnish copies of notes, etc.

Compensation for copying, etc.	<p>tried or heard, for the use of the court and the parties to said cause, and such copy shall be made and filed within such time as the court shall order. The court may, in any case where he deems it proper, and where the notes to be copied exceed five hundred folios, allow the stenographer as compensation for such copying excess, such sum, not exceeding five cents per folio, as he deems proper, to be paid in criminal cases, when the court shall order, by the county treasurer of the county in which such case was heard or tried, upon the certificate of the judge that such copy has been filed pursuant to such order, and in civil cases by the party or parties desiring the same, to be taxed as costs to the prevailing party.</p>
To furnish copies of notes to parties of record.	<p>SEC. 6. It shall be the duty of said stenographer to furnish, without delay, copies of the notes taken by him in any cause in legible English, to any party of record who may request the same, for such sum as may be agreed upon, not to exceed six cents per folio.</p>
To prefix full name of witness to testimony, etc.	<p>SEC. 7. The stenographer who shall take the notes on the trial or hearing in any case shall prefix to his notes of the testimony of each witness the full name of said witness and the date the testimony was taken, and at the conclusion of the trial of said cause he shall securely attach together all of his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation or his removal from office, or from this State, of the stenographer, said notes shall be transferred to the county clerk of the county where the case was tried, who shall receive and safely keep the same subject to the direction of the circuit court for the county: <i>Provided</i>, That said notes shall be subject to inspection as other records in said cause.</p>
Charge of judge need not be in writing.	<p>SEC. 8. In cases tried in the circuit court of said judicial circuit in which such stenographer shall be engaged, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries and in settling the law in cases tried in the circuit court," being act number sixty-seven of the public acts of one thousand eight hundred and sixty-nine, approved March twenty-six, eighteen hundred and sixty-nine, shall not apply.</p>
Repealing clause.	<p>SEC. 9. All acts or parts of acts contravening the provisions hereof, in force at the time of the passage of this act, shall be construed as of no effect as applying to said thirty-third judicial circuit.</p> <p>This act is ordered to take immediate effect.</p> <p>Approved May 29, 1891.</p>

[No. 112.]

AN ACT to amend section ten of chapter one hundred fifty of the compiled laws of one thousand eight hundred seventy-one, being compiler's section five thousand six hundred sixty of Howell's Annotated Statutes, relative to deeds and conveyances.

SECTION 1. *The People of the State of Michigan enact,* Section amended,
That section ten of chapter one hundred fifty of the compiled laws of one thousand eight hundred seventy-one, being compiler's section five thousand six hundred sixty of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§ 5660.) SEC. 10. In the cases provided for in the last How acknowledgment authenticated.
preceding section, unless the acknowledgment be taken before a commissioner appointed by the Governor of this State for that purpose, a judge of a court of record whose certificate has attached the seal of such court, or before a notary public, who certifies thereto under his seal of office, such deed shall have attached thereto a certificate of the clerk or other proper certifying officer of a court of record of the county or district, or of the Secretary of State of the state or territory within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be, and that he believes the signature of such person to such certificate of acknowledgment to be genuine, and that the deed is executed and acknowledged according to [the] laws of such state, territory or district. Whenever any deed or other instrument affecting the title to land, executed, acknowledged and authenticated in accordance with this section and the last preceding section, has been heretofore recorded in the proper county, such record, or a certified transcript thereof, shall be *prima facie* evidence of the due execution of such instrument, to the same extent as if it had been authenticated as required by the statute in force at the time such instrument was recorded.

Approved May 29, 1891.

[No. 113.]

AN ACT to provide for actions of ejectment, and for suits in equity to quiet title to real estate, against private business corporations whose term of existence has expired, and providing for substituted service upon such corporations therein.

SECTION 1. *The People of the State of Michigan enact,* Who may bring action, etc.
That, notwithstanding the expiration of the term of private

	corporations organized for the conduct of business of any kind under the laws of this State, any one having such an interest in any land owned by such corporation while in existence, and which was not aliened by such corporation or divested from it by due process of law, as would entitle him to bring ejectment therefor, or to maintain a suit to quiet title thereto, may bring an action of ejectment for the recovery of the same, or file a bill in equity to quiet title thereto, in the county or counties where such land lies.
Of declaration.	The declaration shall be against such corporation by its corporate name and against any occupant or occupants of
Of bill.	such land as defendants, and the bill shall be against such corporation by its corporate name as defendant, and shall recite that the term of existence of the corporation defendant
Of proof, etc.	has expired; and the plaintiff or complainant, on filing such declaration and entering a rule to plead, or on filing such bill, as the case may be, may, on proof by affidavit made by himself or some one on his behalf, filed with the clerk of the court, setting forth the name of such corporation while in existence, the purpose of its organization, the statute of this State under which it was organized, and that its term of existence and the time in addition thereto during which it might by law be permitted to sue or be sued has
Order of court, etc.	expired, have an order from the court in which the action or suit is brought, or from the judge thereof, for the appearance of such corporation defendant at some future day not less than three nor more than six months from the date thereof. Such order shall be published within
To be published.	twenty days from the date thereof once a week for six successive weeks in some newspaper published in such county, if one be published therein, and if not, in some other newspaper in an adjoining county, the newspaper to be designated in either case in the order. Thereupon and after the expiration of the time designated in such order for the appearance of the corporation defendant, if there shall be no appearance of any person or persons entitled to appear therein as hereinafter mentioned, the default of such defendant for want of plea may be entered, or, as the case may be, an order entered taking the bill as confessed against such
When bill may be taken as confessed.	defendant. Within the time fixed by such order, any person or persons who were stockholders of such corporation while it subsisted, and who still retain their rights in the property in question by virtue of having owned stock therein, and any creditor or creditors of such corporation whose claims are subsisting and not barred by limitation of time, may appear and defend such action or suit as fully as such corporation could have done while subsisting: <i>Provided</i> ,
Who may defend action.	That all persons so appearing shall, before being admitted to plead to the declaration or bill of complaint, show to the satisfaction of the court or judge, by affidavit, their right to appear: <i>And provided further</i> , That such right may be drawn in question by the plaintiff or complainant on the
Proviso.	
Further proviso.	

trial or hearing of the cause, notwithstanding such previous showing. All persons so appearing shall plead together and in the name of the corporation. Such publication shall be full and complete service upon such corporation and upon all persons, natural or artificial, interested in said land because of having been stockholders in the corporation while subsisting, or creditors thereof. All persons so appearing and defending or seeking to defend shall be liable for costs in the action or suit as fully as such corporation would be if defending, and judgment or decree for costs may be had against them.

SEC. 2. The verdict and judgment in such ejectment and the decree in such suit shall be against the corporation in the corporate name and shall be binding upon it and upon all persons claiming said land by virtue of their stock in or demands upon the same, and shall be conclusive against such corporation and such persons, subject only to such exceptions as are or may be provided by general statute in other cases of ejectment or of suit to quiet title. Any judgment or decree in favor of the defendant corporation shall enure to the benefit of the persons entitled to the property in dispute. The plaintiff in such ejectment shall have judgment against such corporation defendant neither for money damages of any kind nor for costs of suit subject to the discretion of the court, nor shall he be entitled to file against it a suggestion of damages in continuation of such judgment; and the complainant shall have a decree against such corporation only for a release to the complainant of all claim to the land in dispute.

Of verdict, etc.

Of judgment.

Shall not be for money damages, etc.

Approved May 29, 1891.

[No. 114.]

AN ACT making appropriations for the current expenses of the State Normal School for the years one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two.

SECTION 1. *The People of the State of Michigan enact,* That the State Treasurer shall transfer from the general fund to the Normal School interest fund the sum of forty-five thousand two hundred and sixty dollars for the year one thousand eight hundred and ninety-one and the sum of forty-six thousand two hundred and sixty dollars for the year one thousand eight hundred and ninety-two, which sums are hereby appropriated for the current expenses of the State Normal School for the years above named, and shall be drawn from the treasury on the presentation of properly certified requisitions of the State Board of Education to the Auditor General, and on his warrant to the State

Appropriation.

Proviso. Treasurer: *Provided*, That the sum of fifteen hundred dollars of said amount shall be used annually for the Normal School library, and for no other purpose.

Tax for. SEC. 2. The Auditor General shall incorporate in the State tax for the year one thousand eight hundred and ninety-one the sum of forty-five thousand two hundred and sixty dollars, and in the State tax for the year one thousand eight hundred and ninety-two the sum of forty-six thousand two hundred and sixty dollars, which tax when collected shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom, as provided in section one of this act.

This act is ordered to take immediate effect.
Approved June 1, 1891.

[No. 115.]

AN ACT conferring upon cities and villages in this State the power to construct, acquire by purchase, operate and maintain works for the purpose of supplying such cities and villages and the inhabitants thereof with gas, electric and other lights.

Authority to acquire gas, electric, etc., light works, etc. SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any city or incorporated village in this State to acquire by purchase, or to construct, operate and maintain works for the purpose of supplying such city or village and the inhabitants thereof with gas, electric and other lights, at such times and on such terms, and conditions as the common council of any such city or the board of trustees of any such village shall direct.

Power of council, trustees, etc. SEC. 2. Whenever the common council of any city or the board of trustees of any village shall, by resolution, declare that it is expedient for such city or village to acquire by purchase or to construct, as the case may be, works for the purpose of supplying such city or village and the inhabitants thereof with gas, electric or other lights, then such common council or board of trustees shall have power to take such action as shall be deemed expedient to accomplish such purpose: *Provided*, Such action shall be governed by the provisions of act number five of the session laws of one thousand eight hundred and seventy, approved August fourth, one thousand eight hundred and seventy, as amended, entitled "An act to authorize the introduction of water into and the construction or purchase of hydraulic works in the cities and villages in the State of Michigan," being sections three thousand ninety to three thousand one hundred nine of Howell's Annotated Statutes, and all the provisions of that act so far as the same shall be material shall apply to and have full force and opera-

Proviso.

tion in the cases of cities and villages desiring to have the benefit of this act, in the same manner and to the same effect as in the case of cities and villages proposing to purchase or construct works for the purpose of supplying such city or village or the inhabitants thereof with water.

SEC. 3. Whenever one hundred or more of the qualified electors of any city or village in this State shall petition the common council of such city or the board of trustees of such village to submit to the electors thereof the question of whether or not said city or village shall avail itself of the provisions of this act, it shall be the duty of such common council or board of trustees, as the case may be, to submit such question to the electors of such city or village at the next regular election therein; and in case a two-thirds' vote of the electors voting at such election shall vote in favor of such city or village availing itself of the provisions of this act, it shall thereupon become the duty of the common council of such city or the board of trustees of such village to take such action as shall be necessary to carry such resolution into effect, in the same manner and with the same effect as if such common council or board of trustees had, by resolution, declared the same to be expedient, as provided for in section two of this act.

When council
to call special
election, etc.

Approved June 1, 1891.

[No. 116.]

AN ACT to amend sections two and three of act number thirty-nine of the session laws of one thousand eight hundred and eighty-five, entitled "An act to regulate the employment of children, young persons and women in certain cases," being compiler's sections 1997b¹ and 1997b², Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* That sections two and three of act number thirty-nine of the session laws of one thousand eight hundred and eighty-five, entitled "An act to regulate the employment of children, young persons and women in certain cases," being compiler's sections 1997b¹ and 1997b² of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows:

Sections
amended. 1

SEC. 2. No child under the age of fourteen years shall be employed by any person to labor in any business, or shall be licensed or granted permit by the mayor of any city or the president of any village in this State, or by any other officer authorized by law, to issue licenses or permits, to carry on the business of peddling papers or blacking boots unless such child shall have attended some public or private day school where instruction was given by a teacher qualified to instruct in such branches as are usually

Under 14 years
attendance at
school required.

taught in primary schools, at least four months of the twelve months next preceding the month in which said child shall be so employed, licensed or granted permit as aforesaid, except in districts in which only three months of school are taught by a qualified teacher: *Provided*, that a certificate of such attendance from the superintendent or principal of the school, or director of the school district in which such child shall have so attended school, shall be evidence of a compliance with the provisions of this section if acted upon by the employer or officer in good faith. If such superintendent, principal or director shall knowingly make a false certificate, he shall be deemed guilty of a violation of this act and shall be liable to the punishment hereinafter provided.

Proviso.

False certificate.

Disposition of certificates.

SEC. 3. Certificates given under the previous section, shall first be deposited with the employer, or with the mayor, president or other officer granting license or permit, at the time of employing, licensing or granting of permit to any such child and shall be kept by him on file in his office, and shall at all times, be subject to inspection by the persons authorized to make inspections under this act.

Approved June 1, 1891.

[No. 117.]

AN ACT making an appropriation for the use of the Michigan Asylum for Insane Criminals.

Amount and
purpose of.

SECTION 1. *The People of the State of Michigan enact*, That there be and is hereby appropriated from the general fund for the year one thousand eight hundred and ninety-one the sum of four thousand six hundred and thirty-three dollars, to be expended for the following purposes: Five hundred dollars for improving grounds; five hundred dollars for fencing farm; one hundred and fifty dollars for fruit trees, vines, etc.; six hundred dollars for tool sheds, root cellar and other out-buildings; two hundred dollars for the purchase of cows; eight hundred dollars for general repairs; two hundred and fifty dollars for one oven; three hundred dollars for additional water supply; eight hundred dollars for the purchase of twenty-seven acres of land adjoining asylum farm; loss on wagon house and feed house totally destroyed, and damage to hog-pen partially destroyed, one hundred and seventy-five dollars; two hundred feet of pipe hose sixty-seven dollars; two hundred feet of garden hose twenty-six dollars; two lawn mowers fifteen dollars; one steel plow eighteen dollars; one cultivator seven dollars; shovels, axe, block and tackle, rakes, etc., estimated, fifteen dollars; one hose cart, thirty dollars; sixteen hogs eighty dollars; two cisterns one hundred dollars.

SEC. 2. That the moneys hereby appropriated may be drawn from the State treasury on the warrant of the Auditor General, and the Auditor General shall add to and incorporate in the State tax for the year one thousand eight hundred and ninety-one, the amount appropriated by section one of this act, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which, when collected, shall be passed to the credit of the general fund to reimburse the same for moneys appropriated by section one of this act.

To be incorporated in tax of 1891.

This act is ordered to take immediate effect.

Approved June 3, 1891.

[No. 118.]

AN ACT to amend section twenty-three of act number one hundred and sixty-one of the public acts of eighteen hundred and eighty-five, entitled "An act to establish the police court of the city of Detroit," approved June ninth, eighteen hundred and eighty-five, as amended by act number two hundred and eighty-seven of the public acts of eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact,* That section twenty-three of act number one hundred and sixty-one of the public acts of eighteen hundred and eighty-five, entitled "An act to establish the police court of the city of Detroit," approved June ninth, one thousand eight hundred and eighty-five, as amended by act number two hundred and eighty-seven, of the public acts of eighteen hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 23. In all cases determined in said police court an appeal may be taken to the recorder's court of the city of Detroit in the same time and manner and with same effect as prescribed by the general laws of this State for appeals from convictions by justices of the peace within this State to the circuit court in criminal cases.

May be appealed to recorder's court.

Approved June 3, 1891.

[No. 119.]

AN ACT authorizing the introduction of the kindergarten method in the public schools of this State.

SECTION 1. *The People of the State of Michigan enact,* That in addition to the duties imposed by law upon the district board of every school district in this State, they shall also be empowered to provide a suitable room or apart-

Duty of district board.

ment for kindergarten work, and to supply their district respectively with the necessary apparatus and appliances for the instruction of children in what is known as the kindergarten method.

Qualifications of teachers, etc.

SEC. 2. In the employment of teachers it shall be competent for such district board to require qualifications for instruction of children in kindergarten methods, and the district board may provide by contract with the teacher for such instruction, specifying the hours and times therefor under such rules as the district board may prescribe.

What children entitled to instruction.

SEC. 3. All children residing within the district between the ages of four and seven shall be entitled to instructions in the kindergarten department of such district school.

Act to apply to certain other schools.

SEC. 4. The powers and duties herein imposed or conferred upon the district shall also be and the same are hereby imposed and conferred upon the school trustees or board of education or other body, by whatever name known, managing or controlling the public schools in each city and village of this State; and this act is hereby made applicable to every public school organized by special act or by charter as fully as if they were named herein.

Approved June 5, 1891.

[No. 120.]

AN ACT to provide for the incorporation of the great hive and subordinate hives of the Ladies of the Maccabees of the State of Michigan.

May incorporate.

SECTION 1. *The People of the State of Michigan enact,* That the great hive of the Ladies of the Maccabees of the State of Michigan, and any subordinate hives duly chartered by such great hive pursuant to the provisions of the constitution and laws of said great hive, may become a body corporate and politic in the manner following:

Manner of.

By resolution.

First, At some regular review of such great hive held pursuant to the constitution and laws thereof, a resolution shall be adopted by a vote of two-thirds of all the members present, expressing the desire and determination of such great hive to become incorporated, and directing the great executive committee to perfect such incorporation;

Articles of Association, and contents.

Second, On such resolution being so passed, the great executive committee, shall prepare articles of association, under their hands and the seal of such great hive, setting forth the number, name and location of all subordinate hives then in good standing, under the jurisdiction of such great hive, the name by which the great hive is known, the date of its organization, a copy of the resolution mentioned in the first subdivision of this act, the corporate name by which the great hive shall be known in law, the object and purpose of the association, and the period for which it is

incorporated, not exceeding thirty years, to which shall be appended a copy of the constitution, laws and by-laws of the great hive;

Third, The great recorder shall make and annex to such articles of association, an affidavit stating the official position occupied in the great hive by the several members of the executive committee, that the resolution, a copy of which is set out in the articles of association, was duly passed at a review of said great hive held pursuant to the constitution, and that the same was passed by a two-thirds vote of all the members present, that all the statements in said articles of association are true to the best of her knowledge, information and belief, and that the constitution, laws and by-laws of such great hive, a copy of which is appended to such articles of association, has been duly adopted by such great hive;

Affidavit to be annexed thereto.

Fourth, A copy of such articles of association with all the papers mentioned in the second subdivision of this act and of the affidavit of said great recorder, by her duly attested, shall be filed in the office of the Secretary of State and shall be recorded by said secretary in a book to be kept by him for that purpose.

Copy to be filed, etc.

SEC. 2. When all the foregoing requirements are complied with, the great hive of the Ladies of the Maccabees of the State of Michigan, shall be a body corporate and politic, by the name expressed in such article of association and by that name shall be in law capable of suing and being sued, in all the courts of this State, with full power and authority to transact the business of said association, pursuant to the constitution, laws and by-laws thereof; and said articles of association or a copy thereof, duly attested by the Secretary of State, under the great seal thereof, shall be *prima facie* evidence in all the courts of this State, of the existence and incorporation of said great hive of the Ladies of the Maccabees.

To be body corporate, etc.

Copy to be evidence.

SEC. 3. The great hive of the Ladies of the Maccabees is hereby authorized to amend its constitution, laws and by-laws, at any regular review of said great hive, after its incorporation, but such amendments shall not be inconsistent with the object and purpose of such association as stated in its articles of association, and such constitution, laws and by-laws, shall be in force from and after the filing with the Secretary of State of an attested copy thereof, under the hand of the great recorder and the seal of said great hive.

When to take effect.

SEC. 4. Any subordinate hive now chartered, or which may hereafter be chartered, by the great hive of the Ladies of the Maccabees of the State of Michigan, may become incorporated and be a body corporate and politic, by passing, by a two-thirds vote of all the members present, at any regular review of such subordinate hive, a like resolution, as provided in section one of this act, executing similar articles of association, under the hands of its executive committee, and the seal of the hive, and appending thereto

Incorporation of subordinate hives.

Articles of association, etc.

the affidavit of its recorder, setting forth the official character of the several members of its executive committee, that said resolution was passed at a regular review, and received the affirmative votes of two-thirds of all the members present, and filing the same with the county clerk of the county in which such subordinate hive shall be located, and causing such articles of association, and said affidavit to be recorded by such clerk in a book to be kept by him for that purpose, and a copy of said articles of association duly certified by such county clerk, shall be *prima facie* evidence in all [the] courts of this State, of the existence and incorporation of such subordinate hive.

SEC. 5. Every corporation formed pursuant to this act may take and hold personal and real property, so far as the same shall be necessary for the proper purposes of the organization, not exceeding ten thousand dollars in value, and may convey, dispose of, mortgage, and deal with the same, as may be determined by the constitution, laws and by-laws of such great hive, or of such subordinate hive, as the case may be. The management, direction and control of the property and business of such corporations shall be vested in such officers as the constitution and laws of the great hive may direct.

This act is ordered to take immediate effect.

Approved June 5, 1891.

[No. 121.]

AN ACT to secure to the people of the State of Michigan certain rights on any of the navigable or meandered waters of this State where fish have been or hereafter may be propagated, planted or spread at the expense of the people of this State or the United States.

SECTION 1. *The People of the State of Michigan enact,* That in any of the navigable or meandered waters of this State where fish have been or hereafter may be propagated, planted or spread at the expense of the people of this State or the United States, the people shall have the right to catch fish with hook and line during such seasons and in such waters as are not otherwise prohibited by the laws of this State.

SEC. 2. No action at law shall be maintained against persons entering upon such waters for the purpose of such fishing, by the owner, lessee or persons having the right of possession of adjoining lands, except for actual damage done. In any such action the defendant under a proper notice may dispute on the trial the plaintiff's right to either title or possession of the land claimed to be trespassed upon.

This act is ordered to take immediate effect.

Approved June 9, 1891.

[No. 122.]

AN ACT to amend the general railroad law, relative to consolidations, being sections twenty-nine and thirty of article two of the act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all [railroad] railroads and other corporations owning or operating any railroad in this State," being chapter ninety-one of Howell's Annotated Statutes, as the same is amended by act number one hundred and seventy-four of the laws of one thousand eight hundred and eighty-three, the same being Howell's sections three thousand three hundred and forty-three and three thousand three hundred and forty-four as amended.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections twenty-nine and thirty of article two of an act entitled "An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all [railroad] railroads and other corporations owning or operating any railroad in this State," being chapter ninety-one of Howell's Annotated Statutes, as the same is amended by act number one hundred and seventy-four of the laws of one thousand eight hundred and eighty-three, approved June seventh, one thousand eight hundred and eighty-three, be and the same are hereby amended so as to read:

SEC. 29. Any railroad company in this State, forming a May consolidate.
continuous or connecting line with any other railroad company, may consolidate with such other company, either in or out of this State, or partly within or partly without this State, into a single corporation: *Provided,* That no such Proviso as to competing lines.
companies owning parallel or competing lines shall be permitted to consolidate themselves into one corporation. The Directors may agree upon terms of consolidation.
directors of said two or more corporations may enter into an agreement under the corporate seal of each, for the consolidation of the said two or more corporations, prescribing What agreement shall contain.
the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the number of the directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than five nor more than fifteen; the time and place of holding the first election of directors after the consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said two or more corporations, as hereinafter provided; the number of shares of capital stock in the new corporation; the amount of each share; the manner of converting the shares of capital stock in each

Proviso.	of said two or more corporations into shares in such new corporation, with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights and franchises conferred upon such two or more corporations: <i>Provided, however,</i> That any power, right, franchise, privilege or immunity possessed by either or any of the consolidating companies of a kind which would not be possessed by a company organizing originally under the provisions of this act as now existing or as hereafter amended, shall be utterly lost, annulled and abrogated; and such new corporation shall be subject to all the restrictions and perform all the duties imposed by this act as now existing or as hereafter amended as if it were a corporation originally organized thereunder. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations until after it has been submitted to the stockholders of each of said corporations separately at a meeting thereof, to be called upon a notice by publication at least once in each week for four successive weeks in one of the daily papers published in the city of Detroit, and some newspaper published in each county in this State through which said roads run, in which a newspaper shall be published; the first publication to be at least sixty days before the time specified for said meeting, and signed by the secretaries of each of said companies proposing to consolidate, stating the purpose and object of said meeting, and has been sanctioned by such stockholders by a vote of a majority in interest of the stockholders, in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders separately, in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. A copy of said contract or consolidation agreement filed in pursuance of this act or of an act entitled "An act to provide for the incorporation of railroad companies," approved February twelfth, one thousand eight hundred and fifty-five, and the acts amendatory thereof, and the acts amending or revising the same, with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said two or more companies, and of all the facts therein stated: <i>And provided,</i> That any railroad bridge company, or any railroad tunnel company, which may be organized under this act to bridge or tunnel the Detroit river, or the St. Clair river, or any of the waters in the jurisdiction of this State, shall have a right to consolidate the stock, property and assets of said company with the stock, property and assets of any company organized or to be organized under the laws of this State, or which may be created under the laws of any adjacent State
Agreement to be submitted to stockholders.	
Notice of meeting of stockholders for concurrence.	
Time of first publication.	
Contents of notice.	
Certified copy to be evidence of consolidation, etc.	
Proviso as to bridging or tunneling certain waters.	

or country, to construct any such bridge or tunnel therewith, upon such terms, conditions and agreements as may by the said corporations be deemed just and equitable: *Provided*,^{Proviso.} That every such bridge or tunnel shall be so constructed as^{Navigation not to be obstructed.} not to be a material obstruction to navigation.

SEC. 30. Before the agreement mentioned in the preceding section twenty-nine shall have any force or effect, and before filing a duplicate thereof in the office of the Secretary of State, the articles of consolidation shall be submitted to a board, consisting of the Attorney General, Commissioner of Railroads, and Secretary of State, to be examined by such board, to ascertain whether the proposed consolidation will be in accordance with the constitution and laws of this State, and if found in accordance therewith, said board shall approve the same. Upon such approval by said board a duplicate of the articles of agreement shall be filed in the office of the Secretary of State; the said two or more corporations mentioned or referred to in this section, shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein. And all and singular the^{Articles to be submitted to board, etc.} power, rights and franchises of each and all of such two or more corporations, parties to such agreement, of a kind which would be possessed by a company organized under the provisions of this act as now existing or as hereafter amended, and all and singular their rights and interest in and to every species of property and things in action, shall be deemed to be transferred to and vested in such new corporation without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with all the right of way, and all other rights of property, in the same manner and to the same intent, as if said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporations save as above provided, and the titles and real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors and all liens upon the property of either of said corporations, parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: *And provided further*, That the debts, liabilities and duties of either company shall thenceforth attach to such new corporation, and be enforced against the same, to the same extent, and in the same manner as if such debts, liabilities and duties had been originally incurred by it.^{Power, rights, etc., of consolidated corporation.}

Approved June 12, 1891.^{Proviso as to rights of creditors, etc.}

[No. 123.]

AN ACT to amend an act entitled "An act to revise the laws providing for the incorporation of railroad companies and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning and operating any railroad in this State," approved May first, one thousand eight hundred and seventy-three, as subsequently amended, by adding three new sections relative to consolidated roads to stand as sections forty-nine, fifty and fifty-one of article two of said act.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That there shall be added to the act entitled "An act to revise the laws providing for the incorporation of railroad companies and to regulate the running and management, and to fix the duties and liabilities of all railroads and other corporations owning or operating any railroad in this State," approved May first, one thousand eight hundred and seventy-three, three new sections to stand as sections forty-nine, fifty and fifty-one, of article two, and read as hereinafter set forth:

To be under general law, etc.

SEC. 49. Every railroad and railway company operating a railroad in whole or in part in this State which company may have been by means of a consolidation under any general or special law of this State, or by means of a mortgage foreclosure and sale and reorganization, under any general law of this State, is hereby declared to be in all respects subject to the general laws of the State respecting railroads as now existing or as hereafter amended; and any franchise, right, power, privilege, immunity or exemption claimed by any such railroad or railway company of a kind which would not belong to a company organized under the general railroad laws of the State as now existing or as hereafter amended is hereby annulled and abrogated, and every such company shall be subject to all the restrictions and perform all the duties now imposed by the general laws or which may hereafter be imposed upon railroad companies.

As to taxation.

SEC. 50. That in case any such railroad or railway company may have been in the past paying a tax different from that imposed upon railroads by the general law, such company may continue to pay such tax or a ratable proportion thereof up to the first day of July, one thousand eight hundred and ninety-two; but thereafter every such company shall pay a tax in the manner and in the amount now provided by the general laws relating to railways.

Repealing clause.

SEC. 51. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved June 12, 1891.

[No. 124.]

AN ACT to provide for the incorporation of regiments and companies of the Deutscher Landwehr-Unterstützungs-Verein.

SECTION 1. *The People of the State of Michigan enact,* Authority to incorporate.
That the regiment and any companies of the Deutscher Landwehr-Unterstützungs-Verein of the State of Michigan may be incorporated in pursuance of the provisions of this act.

SEC. 2. Any ten or more persons, citizens of this State, Who may incorporate.
who have served in the German army, and are desirous of becoming incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of Articles of association, contents of.
this State, having authority to take acknowledgments of deeds and shall set forth:

First, The names of persons associating in the first instance and their places of residence;

Second, The corporate name by which such association shall be known in the law and the place of its business office;

Third, The object and purpose of such association, which shall be to promote the social and benevolent interests of the fraternity known as Regiment Michigan, and its companies organized under it of the Deutscher Landwehr-Unterstützungs-Verein, Regiment Michigan, and the period for which it is incorporated, not exceeding thirty years.

SEC. 3. A copy of said articles of association shall be To be filed with Secretary of State, etc.
filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, take, receive, hold and enjoy to them and their successors, estates, real and personal, of suing and being sued, and they and their successors may have a common seal which may be changed and altered at their pleasure: *Provided,* That the value of such real and personal estate shall not exceed the sum of twenty-five thousand dollars, and they may and their successors shall have authority and power to give, grant, sell, lease, mortgage and dispose of said real and personal estate or any part thereof at their will and pleasure, and the proceeds thereof, rents and incomes therefrom, shall be devoted exclusively to the humane and benevolent purposes of the Deutscher Landwehr-Unterstützungs-Verein, Regiment Michigan, of the State of Michigan.

SEC. 4. Said corporation shall have full power and authority to make and establish rules, regulations and by-laws for May make rules, regulations, etc.

regulating and governing all the affairs and business of said corporation, according to the laws of this State and the United States, and to designate, elect, or appoint from its [numbers] number such officers under such name and style as shall be in accordance with the constitution of said society.

Copy of record to
be prima facie
evidence.

SEC. 5. A copy of the records of such articles of association under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation.

May institute,
etc., subordinate
companies, etc.

SEC. 6. Such corporation, when duly formed, shall have power to institute and charter subordinate companies within this State, and from time to time to make, ordain, institute and establish such constitution, general laws and by-laws, ordinances and regulations as the regiment shall judge proper for the regulation and government of such subordinate companies, not repugnant to the laws of this State: *Provided*, That the existing subordinate companies, heretofore duly chartered by the regiment, shall be subject to the control of the regiment, under this act as heretofore, and in the same manner and to the same extent as those that may be hereafter instituted and chartered under this act: *Provided further*, That in case the corporation or persons associating in the first instance shall, by death, resignation or for other causes, under the rules of the regiment become ineligible to act in such capacity, their successors may, from time to time, be appointed by the regiment.

Proviso.

Further proviso.

Who may incor-
porate, etc.

SEC. 7. Any ten or more persons, citizens of this State, being members of subordinate companies of the Deutscher Landwehr-Unterstützungs-Verein, having been duly chartered by the regiment, desirous to become incorporated, may make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, hold, enjoy, grant, sell, give, lease and devise real and personal estate, of suing and being sued, and may have a common seal and change and alter the same at pleasure, and a certified copy of the record of such articles of association under the seal of the county where the said record is kept shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporations: *Provided*, That such corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate and the proceedings thereof under the rules and regulations of

Proviso.

the regiment, and may elect or appoint from among its numbers such officers under such name and style as shall be in accordance with its constitution.

SEC. 8. The location of the business office of the regiment and State convention shall be located in the city of Detroit, county of Wayne and State of Michigan, and subordinate companies shall have their business office where said company has been chartered and organized.

Approved June 12, 1891.

[No. 125.]

AN ACT to amend sections one and two, of act number two hundred and seventy-five of the public acts of one thousand eight hundred and eighty-seven, entitled "An act to prohibit railroad companies from taking up their tracks, abandoning their stations, and failing to operate their roads in certain cases."

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one and two, of act two hundred and seventy-five, of the public acts of one thousand eight hundred and eighty-seven, entitled "An act to prohibit railroad companies from taking up their tracks, abandoning [their] stations, and failing to operate their roads in certain cases" be so amended as to read as follows:

SECTION 1. It shall be unlawful for any railroad company, Unlawful to take up, abandon, etc., track, except on decree of court, etc.
organized under any law of this State, and whose road has been constructed wholly or in part by public aid or local subscription given as a bonus for such construction, having once constructed and put in operation the whole or any portion of said road, and located and opened for business, stations and houses thereon, to thereafter take up, abandon or cease the operation of its said track, or any portion thereof or to close up and abandon its said stations and station houses, or to withdraw the agents therefrom, except upon the decree or order of the circuit court of the county or counties through which said road may run, and in which it is desired to take up and abandon such track, or to close up such station or stations and withdraw the agents therefrom, upon petition of the railroad company desiring to make such abandonment to be made to said court and after citation to the commissioner of railroads and at least four weeks' publication of the pendency of the petition aforesaid in some newspaper published in the county or counties in which the track proposed to be abandoned runs, and if there be no such paper published in such county or counties then in some newspaper published in the city of Lansing, in said [this] State, and after making such citation and publication as herein provided, a hearing upon said petition shall be had in like manner as is provided by law for other chancery

Petition of railroad company.

Notice of pendency of petition etc.

regulating and governing all the affairs and business of said corporation, according to the laws of this State and the United States, and to designate, elect, or appoint from its [numbers] number such officers under such name and style as shall be in accordance with the constitution of said society.

Copy of record to
be prima facie
evidence.

SEC. 5. A copy of the records of such articles of association under the seal of the State, duly certified according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation.

May institute,
etc., subordinate
companies, etc.

SEC. 6. Such corporation, when duly formed, shall have power to institute and charter subordinate companies within this State, and from time to time to make, ordain, institute and establish such constitution, general laws and by-laws, ordinances and regulations as the regiment shall judge proper for the regulation and government of such subordinate companies, not repugnant to the laws of this State:

Proviso.

Provided, That the existing subordinate companies, heretofore duly chartered by the regiment, shall be subject to the control of the regiment, under this act as heretofore, and in the same manner and to the same extent as those that may be hereafter instituted and chartered under this act: *Provided further*, That in case the corporation or persons associating in the first instance shall, by death, resignation or for other causes, under the rules of the regiment become ineligible to act in such capacity, their successors may, from time to time, be appointed by the regiment.

Further proviso.

Who may incor-
porate, etc.

SEC. 7. Any ten or more persons, citizens of this State, being members of subordinate companies of the Deutscher Landwehr-Unterstützungs-Verein, having been duly chartered by the regiment, desirous to become incorporated, may make and execute articles of association, specifying as provided in section two of this act, and file a copy of the same with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in law capable to purchase, hold, enjoy, grant, sell, give, lease and devise real and personal estate, of suing and being sued, and may have a common seal and change and alter the same at pleasure, and a certified copy of the record of such articles of association under the seal of the county where the said record is kept shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporations: *Provided*, That such corporation shall be limited to the powers and provisions of section three of this act, regarding real and personal estate and the proceedings thereof under the rules and regulations of

Proviso.

the regiment, and may elect or appoint from among its numbers such officers under such name and style as shall be in accordance with its constitution.

SEC. 8. The location of the business office of the regiment and State convention shall be located in the city of Detroit, county of Wayne and State of Michigan, and subordinate companies shall have their business office where said company has been chartered and organized.

Approved June 12, 1891.

[No. 125.]

AN ACT to amend sections one and two, of act number two hundred and seventy-five of the public acts of one thousand eight hundred and eighty-seven, entitled "An act to prohibit railroad companies from taking up their tracks, abandoning their stations, and failing to operate their roads in certain cases."

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one and two, of act two hundred and seventy-five, of the public acts of one thousand eight hundred and eighty-seven, entitled "An act to prohibit railroad companies from taking up their tracks, abandoning [their] stations, and failing to operate their roads in certain cases" be so amended as to read as follows:

SECTION 1. It shall be unlawful for any railroad company, organized under any law of this State, and whose road has been constructed wholly or in part by public aid or local subscription given as a bonus for such construction, having once constructed and put in operation the whole or any portion of said road, and located and opened for business, stations and houses thereon, to thereafter take up, abandon or cease the operation of its said track, or any portion thereof or to close up and abandon its said stations and station houses, or to withdraw the agents therefrom, except upon the decree or order of the circuit court of the county or counties through which said road may run, and in which it is desired to take up and abandon such track, or to close up such station or stations and withdraw the agents therefrom, upon petition of the railroad company desiring to make such abandonment to be made to said court and after citation to the commissioner of railroads and at least four weeks' publication of the pendency of the petition aforesaid in some newspaper published in the county or counties in which the track proposed to be abandoned runs, and if there be no such paper published in such county or counties then in some newspaper published in the city of Lansing, in said [this] State, and after making such citation and publication as herein provided, a hearing upon said petition shall be had in like manner as is provided by law for other chancery

Unlawful to take up, abandon, etc., track, except on decree of court, etc.

Petition of railroad company.

Notice of pendency of petition etc.

proceedings in this State, and at such hearing the said commissioner of railroads, either by the Attorney General or the prosecuting attorney of the county in which said proceedings shall be had, or any citizen interested, either in person or by attorney, shall be entitled to appear and be heard in opposition to the granting of said petition: *Provided*, That no order or decree granting the prayer of any such petition shall be made by any circuit court except upon condition that such railroad company first pay back to each individual, private, or public corporation, or to the heirs, executors, administrators, successors or assigns of such individual or corporation, all moneys received by such railroad company from such individual or corporation as a bonus and interest thereon at the rate of six per cent per annum, from and after the time such bonus was granted, not to exceed five years: *And provided further*, That such railroad company first deed back to the person, persons or corporation from whom it was received or to his or its heirs, assigns, executors, administrators or successors, each and every tract, part or parcel of land or right of way, obtained from such person, persons or corporation.

SEC. 2. Any company violating any of the provisions of section one of this act shall be liable in damages to any individual company or corporation having contributed as a bonus either as public aid or private subscription to the construction of said railroad, whether such bonus was in the form of land, money, labor, buildings or material, in such sum or sums as they may be able to prove they will sustain or have sustained on account of such abandonment, and they may bring their action in any court of competent jurisdiction in this State. And no decree or order for a proposed abandonment shall take effect or be of any force until all awards of such contributors be first legally and fully settled and paid: *Provided*, That the provisions of this act shall not apply to any forest or ore roads constructed exclusively for the purpose of logging or mining: *And provided further*, That this act shall not apply to the abandonment by any railroad company of its tracks between two stations, only where provision is made for the reasonable accommodation of the traffic originating at or destined to such stations by another line of road operated by the same company.

This act is ordered to take immediate effect.
Approved June 12, 1891.

Proviso as to
repayment of
bonus, etc.

Further proviso
as to deeding
back right of
way.

Company violat-
ing act liable in
damages, etc.

Proviso as to log-
ging or ore
roads.

Further proviso.

[No. 126.]

AN ACT to amend sections seven, ten and fifteen, and to change the numbers of sections sixteen and seventeen, and to add new sections known as numbers sixteen, seventeen

eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three to act number one hundred eight of the public acts of one thousand eight hundred eighty-nine, entitled "An act to provide for the incorporation of trust, deposit and security companies, and to repeal act fifty-eight of the session laws of one thousand eight hundred seventy-one, approved March twenty-nine, one thousand eight hundred seventy-one, entitled 'An act to provide for the incorporation of trust, deposit and security companies,' being chapter eighty-eight, of Howell's Annotated Statutes; also to repeal act number one hundred twenty-three, of session laws of one thousand eight hundred eighty-three, approved May twenty-five, one thousand eight hundred eighty-three, entitled 'An act to amend section nine, of act fifty-eight, of the session laws of one thousand eight hundred seventy-one,'" approved March twenty-nine, one thousand eight hundred seventy-one, being compiler's section two thousand two hundred ninety, relative to the corporate rights of trust, deposit and security companies.

SECTION 1. *The People of the State of Michigan enact,* ^{Act amended, etc.} That sections seven, ten and fifteen of an act entitled "An act to provide for the incorporation of trust, deposit and security companies, and to repeal act fifty-eight of the session laws of eighteen hundred seventy-one, approved March twenty-nine, eighteen hundred seventy-one, entitled 'An act to provide for the incorporation of trust, deposit and security companies,' being chapter eighty-eight of Howell's Annotated Statutes; also to repeal act number one hundred twenty-three of the session laws of eighteen hundred eighty-three, approved May twenty-five, eighteen hundred eighty-three, entitled 'An act to amend section nine of act fifty-eight, of the session laws of eighteen hundred seventy-one,'" approved March twenty-nine, eighteen hundred seventy-one, being compiler's section two thousand two hundred ninety, relative to the corporate rights of trust, deposit and security companies, be and the same are hereby amended so as to read as hereinafter contained. And that the numbers of sections sixteen and seventeen of said first mentioned act be and the same are hereby changed to numbers thirty-four and thirty-five respectively, as hereinafter contained. ^{Sections changed, etc.} And that sections numbered sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three, be and the same are hereby added to the said act as hereinafter contained.

SEC. 7. The stock, property and affairs of such corporation shall be managed by not less than seven directors, each of whom shall own and hold in his own name not less than ten shares of the capital stock of the company, to be elected ^{Election of directors, etc.}

Term of office.	after the first election, on the second Tuesday of December of each year, in such manner as the by-laws of such corporation shall determine, and shall hold their offices for the period of one year, and until their successors shall be duly chosen; said directors shall have power to make all by-laws that may be proper and necessary for them to make, not inconsistent with law, for the general regulation and management of the business of the company, and the administration of its affairs; and shall choose one of their number president and a majority of them convened according to the by-laws shall constitute a quorum for the transaction of business: <i>Provided</i> , That when the number of directors shall exceed fifteen, one-third of them shall constitute a quorum for the transaction of business; the said board of directors shall have the power to fill any vacancy which may happen in their board by death, resignation or otherwise for the current year. The board of directors of any such corporation may declare a dividend of so much of the net profits of the company, after providing for all expenses, losses, interest and taxes accrued or due from said company, as they shall judge expedient; but before any such dividend is declared not less than one-tenth of the net profits of the company of the preceding half year, or for such period as is covered by the dividend, shall be carried to a surplus fund until such surplus shall amount to twenty per cent of its capital stock. The directors and officers of any such corporation who shall fraudulently and with intent to cheat and defraud any person, receive any money or property, knowing or having good reason to believe that such corporation is insolvent, shall be deemed guilty of a misdemeanor, and punished upon conviction thereof by a fine, not to exceed one thousand dollars or imprisonment in the county jail or State House of Correction and Reformatory at Ionia for a period not exceeding one year, or both such fine and imprisonment at the discretion of the court.
To choose president.	
Proviso as to quorum.	
Of dividends.	
Penalty for receiving money, etc., in case of insolvency, etc.	
Penalty for violating act, etc.	Every officer, clerk, agent or employé of any such corporation who shall knowingly aid or assist in a violation of any of the provisions of this act, shall be deemed guilty of a misdemeanor, and punished by a fine not to exceed one thousand dollars or imprisonment in the county jail or State House of Correction and Reformatory at Ionia for a period not to exceed one year. If the board of directors or a quorum thereof of any such corporation shall knowingly violate or knowingly permit any of the officers, agents, or employés of the company to violate any of the provisions of this act, and after warning from the commissioner shall fail to make good all loss and damage resulting from such acts or omissions, such conduct shall constitute a ground for a forfeiture of the charter and privileges of such company; and it shall be the duty of the commissioner, with the assent of the Attorney General, to institute proceedings to enforce such forfeiture and to secure a dissolution and liquidation of said company.
What to work forfeiture of charter, etc.	

SEC. 10. It shall be lawful for any such corporation to lease, purchase, hold and convey all such personal estate as may be necessary to carry on its business, or as it may deem necessary to acquire in the enforcement or settlement of any claims or demands arising out of its business transactions and to execute and issue in the transaction of its business all necessary receipts, certificates, papers and contracts, which shall be signed by such person or persons as may be designated by the by-laws of such corporation; and it shall be lawful for any such corporation to lease, purchase, hold and convey real estate as its corporate property for the following purposes, but no other:

May hold personal estate, etc.

May hold real estate.

First, Such as shall be necessary for the convenient transaction of its business, including with its business office other apartments in the same building to rent as a source of income; but which shall not exceed fifty per cent of its paid in capital and surplus;

For business purposes.

Second, Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business;

For debts.

Third, Such as it shall purchase at sales under judgments, decrees or mortgages held by it, but such corporation shall not bid at any such sale a larger amount than is necessary to satisfy its debt and costs. Real estate shall be conveyed by such corporation under its seal and the hand of of such officer or officers as may be designated by the by-laws of such corporation. No real estate acquired in the cases contemplated in the second and third sub-sections above shall be reckoned as an asset for a longer time than five years. And it shall also be lawful for such corporation to take and accept by grant, assignment, purchase, transfer, devise or bequest, and hold any real or personal estate in trust, in pursuance of the directions of any trust created in accordance with the laws of this State, or of the United States. Every such corporation shall keep on hand funds to an amount equal to at least twenty per cent of its matured obligations and money due and payable, three-fourths of which reserve may be kept in any bank or trust company approved by the commissioner of the banking department.

On decrees, etc.

Time may hold real estate.

Of reserve.

SEC. 15. Every such corporation shall make to the commissioner of the banking department of the State of Michigan, not less than four reports during each calendar year at such time as said commissioner shall require the same, according to the forms which he shall prescribe and furnish. Such reports shall be verified by the oath or affirmation of the president, vice president, secretary or treasurer thereof, and signed by at least three of the directors. Such reports shall exhibit in detail and under appropriate heads, the resources, assets and liabilities of the company at the close of business on any past day by him specified, and shall be transmitted to said commissioner within five days after the receipt of a request therefor from him, and in the same form such reports shall be published in a newspaper in the

To report quarterly, etc.

Contents of report.

To furnish special reports.	city, village or county where such company is located, and proof of publication shall be furnished to said commissioner. Such commissioner shall also have the power to call for special reports from any company or companies whenever, in his judgment, the same are necessary to inform him fully of the condition of such companies. In addition to the reports required above each company shall report to the commissioner within ten days after declaring any dividend, the amount of such dividend, the amount carried to surplus fund, and the amount of net earnings in excess thereof; such report to be verified by the oath or affirmation of one of the executive officers or the company.
To report dividends, etc.	SEC. 16. Every such company failing to make and transmit to the commissioner any of the reports required by this act shall be subject to a penalty of one hundred dollars for each day after the time mentioned above for making such reports. Whenever any company delays or refuses to pay the penalty herein imposed for a failure to make and transmit a report, the commissioner is hereby authorized to maintain an action in the name of his office against the delinquent company for the recovery of such penalty.
Penalty for failure to report, etc.	SEC. 17. Every such company existing or hereafter incorporated under the laws of this State, shall be subject to the inspection and supervision of the said commissioner of the banking department.
Subject to inspection, etc.	SEC. 18. It shall be the duty of the commissioner of the banking department, and he shall have power for himself, his deputy, or any examiner he may appoint for that purpose, to examine once in each year, the cash, bills, collaterals, or securities, books of account, condition and affairs of each company organized under this law, and also when requested by the board of directors of any such corporation. For that purpose he may examine on oath any of the officers, agents, clerks, customers or creditors of such corporation, touching the affairs and business of such corporation. Any willful false swearing in any examination shall be deemed perjury. He shall also ascertain whether each company transacts its business at the place designated in the articles of incorporation, and whether its business is conducted in the manner prescribed by law.
Duty of bank commissioner, etc.	SEC. 19. For each annual examination the company examined shall pay into the State treasury for the credit of the general fund, one one-hundredth part of one per cent of the gross amounts of the assets of said company: <i>Provided</i> , That the examination fee of any company shall not be less than ten dollars. The expenses incurred and services performed especially for any company shall be paid for by such company. If such charges or the annual fee are not paid after due notice the commissioner shall maintain an action in his name of office against the delinquent company for the recovery of such charge or annual fee, with interest thereon, and the sum so collected shall be paid into the
False swearing perjury.	
Fee for examination, etc.	
Proviso.	

State treasury. No person shall be appointed to examine any such company in which he is interested as a stockholder, officer, employé, or otherwise. The commissioner of the banking department, his deputy, every clerk in his employment and examiner, shall be bound by oath to keep secret all facts and information obtained in the course of such examinations, except in so far as the public duty of such officer requires him to report upon or take official action regarding the affairs of such company. No such company shall be subject to any visitation other than such as is required by this act, or otherwise authorized by law.

Who debarred from being examiner.
Certain facts to be kept secret, etc.

SEC. 20. Whenever any officer of any such corporation shall refuse to submit the books, papers and concerns of such corporation to the inspection of the commissioner, deputy or examiner appointed as aforesaid, or refuses to be examined on oath touching the affairs of the company, the commissioner shall, with the concurrence of the Attorney General, institute proceedings for the appointment of a receiver of such company to wind up its business.

In case of refusal to allow examination, etc.

SEC. 21. Whenever it shall appear from the report of any such corporation, or the commissioner shall have reason to believe that the capital of any company is impaired or reduced below the amount required by law, it shall be the duty of the commissioner and he shall have power to examine said company and ascertain the facts, and in case he finds such impairment or reduction of capital to require such company to make good the deficiency so appearing or found to exist. If any company shall refuse or fail for ninety days after written requisition to make good the deficiency so appearing or found to exist it shall be the duty of the commissioner with the concurrence of the Attorney General to institute proceedings for the appointment of a receiver of such company to wind up its business.

In case of impairment of capital, etc.

SEC. 22. Whenever the commissioner shall deem it expedient he may call a meeting of the stockholders of any such corporation by giving them personal notice of such meeting for not more than twenty nor less than fifteen days previous thereto, and in case a majority of the stockholders cannot be reached by personal notice, then by publishing such notice at least once in each week for four successive weeks previous to the meeting, in a newspaper published in the city, village or county where the company is located, and if no newspaper is published there, then in a newspaper published at the nearest county seat.

Meeting of stockholders may be called, etc.

SEC. 23. A book shall be provided and kept by every such corporation in which shall be entered the name and residence of the stockholders in the company, the number of shares held by each, the time when each person became such stockholder, also all transfers of stock, stating the time when made, the number of shares, and by whom transferred. The said book shall at all times during the usual hours of transacting business be subject to the inspection of directors,

Record of stockholders, etc.

Open to inspection.

- officers, stockholders and creditors of the company. A neglect to provide and keep such book ready for examination, as herein provided, shall subject the officers of the company whose duty it is to provide and keep the same, to a penalty of one hundred dollars for every day's neglect, and a refusal by such officer to exhibit such book to any person right-fully demanding inspection thereof, shall subject him to a penalty of fifty dollars; the said penalty may be sued for and recovered with costs by any person who shall prosecute for the same in the name of the people of the State. In all actions, suits and proceedings under this act, the said book shall be presumptive evidence of the facts therein stated.
- Penalty for neglect to keep such book, etc.** SEC. 24. All transfers of notes, bonds, bills of exchange, or other evidences of debt owing to any such corporation, or of deposit to its credit, all assignments of mortgages, or other security on real estate, or judgments, or decrees in its favor, or deposits of money, bills or other valuable things for its use, or for the use of its stockholders or creditors, all payments of money, either after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent application of its assets in the manner prescribed in this act, or with a view to the preference of one creditor over another, shall be held to be null and void.
- Certain transfers declared null, etc.** SEC. 25. All proceedings by any such corporation to enjoin the commissioner in the discharge of his duties under the provisions of this act shall be had in the county where said company is located, or before the Supreme Court of this State.
- Where proceedings to enjoin commissioner shall be had.** SEC. 26. Copies of all records and papers in the office of the commissioner of the banking department certified by him, and authenticated by the seal of his office, shall be evidence in all cases equally, and with like effect, as the original.
- Certain copies to be evidence, etc.** SEC. 27. Any such corporation organized under this act may go into liquidation and its affairs be wound up by a vote of its stockholders owning two-thirds of its capital. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the company by its president, secretary or treasurer to the commissioner of the banking department, and publication thereof, notifying creditors to present their claims against the company for payment, shall be made once in each week for eight successive weeks in a newspaper published in the city, village or county in which the company is located, or if no newspaper is there published, then in a newspaper published at the nearest county seat.
- How liquidation effected.** SEC. 28. Any such corporation which is in good faith winding up its business for the purpose of consolidating with some other like corporation may transfer its assets and liabilities to the company with which it is in process of consolidation; but no such consolidation of corporations shall
- When assets, etc., may be transferred.**

be made without the consent of the commissioner of the banking department, and not then to defeat or defraud any of the creditors in the collection of their claims against said companies or either of them.

SEC. 29. On becoming satisfied that any such corporation has refused to pay its obligations in accordance with the terms on which such obligations were contracted, or that any company has become insolvent, or that its capital has become impaired, or that any such corporation has violated the provisions of this act, or for any cause hereinbefore or hereinafter stated, the commissioner of the banking department shall forthwith, with the approval of the Attorney General, apply to a court of record of competent jurisdiction for the appointment of a receiver for such company, who, under the direction of such court, shall take possession of the books, records, and assets of every description, of such company, collect all debts, dues and claims belonging to it, sell or compound all bad or doubtful debts, and sell all the real and personal property of such company on such terms as the court shall direct, and shall, if necessary to pay the debts of such company, enforce all individual liabilities of the stockholders. Such receiver shall pay over all money so collected or received to the State treasurer, and also make report to the commissioner of all his acts and proceedings.

When receiver
may be applied
for, etc.

Duty of receiver,
etc.

SEC. 30. The commissioner shall, upon the appointment of a receiver as above provided, cause notice to be given by advertising in such newspapers as he may direct once in each week for twelve successive weeks, calling on such persons who may have claims against such company to present the same to said receiver and make legal proof thereof.

Notice of appoint-
ment of receiver.

SEC. 31. From time to time, under the direction of the commissioner of the banking department, the receiver shall make ratable dividends of the moneys realized or collected by him on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and the remainder of the proceeds, if any, after the costs and expenses of such proceeding and all debts and obligations of the company are satisfied, shall be paid over to the stockholders of such company or their legal representatives in proportion to the stock by them respectively held.

Receiver to make
dividends, etc.

SEC. 32. Every president, director, secretary, treasurer or other officer, teller, clerk or agent of any such corporation, who embezzles, abstracts or willfully misapplies any of the moneys, funds, credits or property of the company, whether owned by it or held in trust, or who, without authority of the proper officers, issues or puts forth any certificate, draws any order, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment or decree, or who makes any false entry in any book, report or statement of the company with intent in either case to injure or defraud

Embezzlement
of money, funds,
etc.

	the corporation, or any company, corporation or person, or to deceive any officer of the company, or any agent appointed to examine the affairs of such company; and any person who, with like intent, aids or abets any officer, clerk or agent in violation of this section, or who shall issue or cause to be issued or put in circulation any bill, note, or other evidence of debt, to circulate as money, upon conviction thereof, shall be imprisoned in the State Prison or in the State House of Correction and Reformatory at Ionia not to exceed twenty years.
Penalty.	
What constitutes perjury.	SEC. 33. Every officer or employé of any such corporation required by this act to take any oath or affirmation, who shall willfully swear or affirm falsely, shall be deemed guilty of perjury, and upon conviction thereof shall be punished as provided by the laws of this State in case of perjury.
What corporations subject to this act.	SEC. 34. The provisions of this act shall apply to and govern all corporations now existing and organized under act number fifty-eight of the session laws of eighteen hundred and seventy-one and amendments thereto, except that any such corporations may continue to do business with the amount of capital provided in said last named act, and all such corporations shall, on or before the first day of January next following the time when this act becomes operative, file with the commissioner of the banking department a certificate, executed by the president and secretary of each company, in substantial conformity to the requirements of the original articles of incorporation provided for in section three of this act.
To file certificate.	
Acts repealed.	SEC. 35. Act number fifty-eight of the session laws of eighteen hundred and seventy-one, approved March twenty-ninth, eighteen hundred and seventy-one, entitled "An act to provide for the incorporation of trust, deposit and security companies, being chapter eighty-eight of Howell's annotated statutes," also act number one hundred and twenty-three of the session laws of eighteen hundred and eighty-three, approved May twenty-fifth, eighteen hundred and eighty-three, entitled "An act to amend section nine of act fifty-eight of the session laws of eighteen hundred and seventy-one, approved March twenty-ninth, eighteen hundred and seventy-one, being compiler's section two thousand two hundred and ninety, relative to the corporate rights of trusts, deposit and security companies," are hereby repealed. This act is ordered to take immediate effect. Approved June 12, 1891.

[No. 127.]

AN ACT to repeal act number two hundred and fifty-nine of the public acts of eighteen hundred and eighty-seven, entitled "An act to provide for an Independent Forestry Commission of the State of Michigan, and to define its duties and powers and to provide for the expense thereof."

SECTION 1. *The People of the State of Michigan enact,* Act repealed.
That act number two hundred and fifty-nine of the public acts of eighteen hundred and eighty-seven, entitled "An act to provide for the Independent Forestry Commission of the State of Michigan, and to define the duties and powers, and to provide for the expenses thereof," approved June twenty-seven, eighteen hundred and eighty-seven, and all acts amendatory thereof or supplementary thereto, be and the same are hereby repealed.

Approved June 12, 1891.

[No. 128.]

AN ACT to establish a State road in the township of Merritt, county of Bay.

SECTION 1. *The People of the State of Michigan enact,* State road, route of.
That that part of the highway known as the Kinney road, lying and being east of the Bay City and Tuscola plank road and running from said Bay City and Tuscola plank road east between sections twenty-nine and thirty-two, twenty-eight and thirty-three, twenty-seven and thirty-four, twenty-six and thirty-five, twenty-five and thirty-six, in township thirteen north of range six east in the township of Merritt, Bay county, Michigan, to the west line of Tuscola county, be and the same is hereby declared to be and is established as a State road to be known as the Caro State road, and Name.
as such the same is hereby placed under the care and supervision of the board of stone road commissioners of Bay To be in charge of stone road commissioners, etc.
county, who shall annually expend thereon such sums of money raised by the stone road tax in the stone road district in said Bay county as shall be apportioned thereto by the board of supervisors of Bay county.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 129.]

AN ACT to establish a State road in Bay county, to be known as the Bay City and Saginaw State road.

State road, description of.

SECTION 1. *The People of the State of Michigan enact,* That the road or highway in Bay county now laid out and established and described as follows: Commencing at a point on the north and south quarter section line through section four, town fourteen north, range five east, said point being six hundred and thirty feet south of the common center line of said section and being the point where the "Bullock road," so-called, intersects said quarter line through said section four, running thence southerly seventy-five degrees and four minutes east, five thousand and five feet; thence southerly, sixty-four degrees and forty-three minutes east, two thousand two hundred and thirty-nine feet to the intersection of the section line between sections three and four, town thirteen north, range five east; thence southerly, eighty-eight degrees and forty-three minutes east, nine hundred and sixteen feet to the common corners of sections two, three, ten and eleven, town thirteen north, range five east; thence east on and along the section line between sections two and eleven, town thirteen north, range five east, five thousand two hundred and eighty feet to the common corners of sections one, two, eleven and twelve, town thirteen north, range five east; thence south on and along the section line between sections eleven, twelve, thirteen and fourteen, town thirteen north, range five east, ten thousand five hundred and sixty feet to the common corners of sections thirteen, fourteen, twenty-three and twenty-four, town thirteen north, range five east, shall be and is hereby established and designated as a State road to be known as the Bay City and Saginaw State road.

Name.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 130.]

AN ACT to amend section two of chapter three of act number two hundred and forty-three of the public acts of one thousand eight hundred and eighty-one, entitled "An act to revise and consolidate the laws relating to the establishment, opening, improvement and maintenance of highways and private roads, and the building, repairing and preservation of bridges within this State."

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section two of chapter three of act number two hundred and forty-three of the public acts of the year one

thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows:

SEC. 2. Every overseer shall cause the highway labor Collection of highway labor assessed within his district against persons residing in his township, or represented therein by an agent, to be collected, either by labor or commutation, before the first day of August in each year, subject to the provisions of sections twelve and thirteen of this chapter; but he may, in his discretion, reserve not to exceed one-eighth of the amount, to be applied for the purpose of repairs at a later period. And Duty of overseer. it shall be the duty of every overseer of highways, who is charged by law with supervising the performance of highway labor within his district, to see to it, and require that all gravel or dirt scraped or dumped upon the track of any highway in his district be promptly leveled and smoothed so as to make the same as safe and passable as the condition of the weather and material will permit. Every overseer of highways who shall violate the provisions of this act, Penalty for violation or neglect. or who shall willfully neglect to perform the duties enjoined upon him by this act shall, upon conviction thereof, be punished by a fine not exceeding twenty-five dollars, or be imprisoned in the county jail not more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Approved June 12, 1891.

[No. 131.]

AN ACT making appropriations for the State board of fish commissioners for the year ending June thirtieth, eighteen hundred and ninety-two and the year ending June thirtieth, eighteen hundred and ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Appropriation. That the sum of twenty-seven thousand four hundred and eighty-three dollars be and the same is hereby appropriated for the year commencing July first, eighteen hundred and ninety-one and ending June thirtieth, eighteen hundred and ninety-two, and the sum of twenty-seven thousand four hundred and eighty-three dollars be and the same is hereby appropriated for the year commencing July first, eighteen hundred and ninety-two and ending June thirtieth, eighteen hundred and ninety-three, for the necessary current expenses of the Purpose. State board of fish commissioners during those years; all of which the State Treasurer shall pay to said board, on the warrants of the Auditor General, from time to time, as their vouchers for the same shall be exhibited and approved.

SEC. 2. The Auditor General shall add to and incorporate To be incorporated in tax of 1891-2. with the State tax for the year eighteen hundred and ninety-one the sum of twenty-seven thousand four hundred and eighty-

three dollars. He shall also add to and incorporate in the State tax for the year eighteen hundred and ninety-two, the further sum of twenty-seven thousand four hundred and eighty-three dollars, all of which shall be assessed, levied and collected as other State taxes are assessed, levied and collected, which sum when collected shall be paid into the State treasury, to reimburse the same for the amounts to be drawn as provided in section one of this act.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 132.]

AN ACT to provide for the incorporation of union churches and societies.

Number who may incorporate.	SECTION 1. <i>The People of the State of Michigan enact,</i> That any five or more persons, of full age, residing in the State of Michigan, may associate and incorporate themselves together for religious and social purposes as a union church and society.
Articles of association.	SEC. 2. The articles of association shall be executed in duplicate, by the persons so associating themselves together, and shall be acknowledged by them before some person authorized by the laws of this State to take acknowledgment of deeds, one of which duplicates shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county where such society is formed. Thereupon the persons so executing said articles and such other persons as may thereafter, according to the provisions of such articles, become associated with them, shall become and be a body corporate, for the purposes set forth in such articles.
Contents.	SEC. 3. The articles of association shall contain: <i>First,</i> The names and places of residence of the persons associating in the first instance; <i>Second,</i> The name of the corporation and the period for which it is incorporated, not exceeding thirty years; <i>Third,</i> The objects for which it was organized; <i>Fourth,</i> The qualifications of members, and the manner in which persons may thereafter become members of such corporation.
Subject to general law.	SEC. 4. Such corporation shall have all the privileges, and be subject to all the duties of a corporation, according to chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, so far as the same shall be applicable, and not inconsistent with the provisions of this act, and may hold and possess real and personal property, but the value of the real property held thereby shall not exceed fifty

thousand dollars, and the property thereof shall not be used for any purpose other than the legitimate business of the association, as provided in its articles of association.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 133.]

AN ACT to provide for the taxation of railway or railroad companies organized and existing under any special act or acts of incorporation or consolidation, or which have heretofore been taxed under any special act or acts, and to repeal all acts or parts of acts inconsistent with the provisions of this act.

SECTION 1. *The People of the State of Michigan enact,* Subject to taxation, etc.
That every railway or railroad company organized or existing under any special act or acts of incorporation or special or general acts of consolidation, or which has heretofore been taxed under any special act or acts of the Legislature of this State shall, from and after the thirty-first day of December, eighteen hundred ninety-one, for all purposes of taxation be subject in all respects to the provisions of chapter seventy-five of the compiled laws of eighteen hundred seventy-one and the acts amendatory thereof, the same as if every such company had organized under the provisions of said chapter.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

Approved June 12, 1891.

[No. 134.]

AN ACT making appropriations for building and repairs at the Michigan State Prison, at Jackson.

SECTION 1. *The People of the State of Michigan enact,* Appropriation.
That the sum of fifty-six thousand eight hundred and sixty-seven dollars, or so much thereof as may be necessary, is hereby appropriated out of the general fund to the Michigan State Prison at Jackson for the following named purposes, for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two: For the construction of a tier of shops to take the place of a center tier of shops now occupied by the Withington & Cooley Manufacturing Company, Phillips & Cuddy, and by the master mechanic of the prison for work on State account; also for an addition to the trip-hammer shop, thirty thousand eight hundred sixty-seven dollars. Purposes of. For general repairs upon and about the prison

buildings, ten thousand dollars. For building a new wall on the west side of the said prison grounds, sixteen thousand dollars.

Credited to
prison.

SEC. 2. The sums appropriated by this act shall be passed to the credit of the State Prison at Jackson and be paid to the board of inspectors, or on its order, at such times and in such amounts and manner as is now provided by law.

To be in taxes of
1891.

SEC. 3. The Auditor General shall add to and incorporate with the tax for the year eighteen hundred and ninety-one the aggregate sum appropriated by this act, to wit: Fifty-six thousand eight hundred and sixty-seven dollars, which sum when collected shall be placed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 135.]

AN ACT to provide for an extension of the East Saginaw and Au Sable State road in Bay county, Michigan, now known as the Kawkawlin road, to be known as the "Center avenue extension of the Kawkawlin road," and to provide for the opening and improvement of the same.

Location of road.

SECTION 1. *The People of the State of Michigan enact,* That a State road sixty-six feet wide shall be laid out, opened and established, commencing at the quarter post on the south line of section seventeen, town fourteen north, of range five east, running thence north along the north and south quarter line of sections seventeen and eight of town fourteen north, range five east, to the point where said quarter line intersects the State road formerly known as the East Saginaw and Au Sable State road, now designated the Kawkawlin road, to be known as the "Center avenue extension of the Kawkawlin road."

Commissioner.

SEC. 2. In order to secure the laying out of said State road the Governor shall appoint a commissioner for the term of three years who shall take and subscribe an oath of office and execute a bond with sufficient sureties, in the sum of five hundred dollars, conditioned for the faithful performance of his duties as such commissioner. Such bond shall be approved by the Commissioner of the State Land Office, and shall be filed in the office of said Commissioner of the State Land Office.

Bond of.

Approval and
filing.

Duty of com-
missioner.

SEC. 3. Such road commissioner shall, as soon as may be, after his appointment proceed to lay out such road, following the route designated in section one of this act and cause the same to be surveyed and established, and cause a copy of such survey and a description thereof to be filed with the township clerk of the township of Bangor, and also in the office of the county clerk for Bay county, the side lines of said road to be thirty-three feet distant on each

side of the quarter line hereinbefore specified, from the point of commencement to the point of termination. Said commissioner may employ all necessary surveyors and other assistance to aid in the performance of his duties.

SEC. 4. For the purpose of locating said road the said commissioner and his assistants may lawfully and peacefully enter upon the lands of any person or persons lying upon the route of said road, and shall not be liable to action for such entry. May enter on lands, etc.

SEC. 5. Said commissioner shall receive two dollars a day for his services, and expenses actually incurred in performing his duties and in improving said State road shall be audited and paid by the [board of] supervisors of Bay county, said bill of expenses to be certified under oath or affirmation. Compensation.

SEC. 6. The commissioner appointed under the provisions of section two of this act shall proceed to obtain deeds of the right of way for said road from the abutting property owners as far as they can be secured for a nominal consideration, and in case the right of way cannot be obtained from any one or more abutting property owners for such nominal consideration, said commissioner may make application to the circuit court for said county of Bay at any term thereof, or to the probate court for said county for the appointment of three commissioners to determine the value of the land to be taken for such public use and appraise the damages, and such court shall on such application appoint three commissioners who shall, before entering upon the duties of their office, take and subscribe the constitutional oath of office. To obtain right of way, etc.

SEC. 7. The commissioners appointed under the provisions of section six of this act, before proceeding to determine the value of any private property to be taken for such road and to appraise the damage therefor, shall give to all parties interested in private property proposed to be taken therefor, who have not conveyed the right of way for such road, notice of the time or times and place or places at which such commissioners will meet for the purpose of making such determination and appraisal, by posting or causing to be posted such notice written or printed or partly written and partly printed in at least three public places in the township of Bangor, and in the city of West Bay City in said Bay county, and by publishing such notice for three successive weeks at least once in each week in some newspaper published in said county of Bay, and by causing a copy of such notice to be served personally or delivered to each person who is found within said county of Bay owning any interest in any lands, any portion of which is to be taken for such road, who has not conveyed the right of way for the same. May apply for special commissioners.

SEC. 8. After giving such notice and in accordance therewith, it shall be the duty of such three commissioners when private property is to be taken for such road, to determine Proceedings of special commissioners.

To appraise damages, etc.

To report value, etc.	the value thereof and appraise the damages therefor over and above benefits; and at the hearing or hearings such commissioners shall hear and consider the representations and arguments of all interested parties asking a hearing.
Report to be filed.	SEC. 9. After such hearing, determination and appraisal such three commissioners shall report the value of each parcel of such private property to be taken for such public use and the damage therefor over and above benefits, and shall certify to such report, determination and appraisal and the certificates thereof shall be filed in the office of the township clerk of the township of Bangor and with the county clerk for said county of Bay, and such report shall be deemed a sufficient conveyance of the right of way of lands necessary to be used for such road.
How claims paid, etc.	SEC. 10. The claims for damages for right of way, as certified to by the commissioners appointed under the provisions of section six of this act, shall be paid by the board of supervisors of said county of Bay on the order or certificate of the commissioner appointed under the provisions of section two of this act, and said commissioner shall draw an order in favor of each person entitled thereto for the amount awarded to them.
To tender amount of damages, etc.	SEC. 11. Said State road commissioner shall deliver or tender to each person to whom damages shall have been awarded under this act an order drawn by him for the amount of such damage, or pay or tender the amount thereof in lawful money, and if any person to whom such order is tendered shall refuse such order, then such State road commissioner shall have such order cashed and pay or tender to such person the amount of such damages in lawful money, and for that purpose he shall be authorized to indorse such order and present the same to the county treasurer for payment, and it shall be the duty of the county treasurer of said county of Bay at any time upon the presentation to him of any such order drawn for the payment of such right of way or damages, to pay the same out of any moneys in his hands belonging to the general fund of the said county, and refund such amount out of the first moneys collected from the proper funds. If, however, there shall be no money available in the general fund of said county, the said road commissioner shall be authorized to have such order discounted wherever he may be enabled to do so:
Proviso as to dis- count, etc.	<i>Provided</i> , Such discount shall not be more than at the rate of ten per cent per annum and thereupon make such owners a tender in lawful money as hereinbefore specified. If any person to whom such money shall be tendered shall refuse or neglect to take the same, said State road commissioner shall deposit such money with the county clerk of Bay county with a statement to whom payable and from what source derived, and if such money be not claimed by the person entitled thereto within three years next ensuing such deposit, said clerk shall return such money to the proper custodian of the fund from which it is derived.

SEC. 12. If such State road commissioner shall be unable to find any person entitled to any such damage, or if the owner of any lands upon which damages have been awarded be unknown, or if he is a minor, or an insane person or otherwise incompetent, he shall deposit such order drawn in favor of such person for the amount of such damage with the county clerk of Bay county, who shall hold the same subject to the order of the person entitled thereto, and such person shall be entitled to such order at any time within three years next ensuing such deposit, at the end of which time the same shall be canceled or such deposit may be made in lawful money, and if so made the same shall be so held for three years next ensuing, and if not claimed in that time, such money shall be applied to the improvement of such State road by such State road commissioner, or his successor.

When to deposit damages, etc.

SEC. 13. In laying out, establishing and improving said State road, said State road commissioner or his successor or successors, are hereby authorized to expend any money, labor or donation of any kind that may be contributed by private persons to aid in establishing and constructing said State road.

May expend donations etc.

SEC. 14. The State shall not be liable for any expenses incurred or sustained by reason of this act.

State not liable.

SEC. 15. The commissioners provided for in section six of this act shall each receive two dollars per day for each day necessarily employed in his duties under said act.

Compensation of special commissioners.

SEC. 16. As soon as the right of way for said State road is secured it shall be the duty of the board of stone road commissioners of said county to prepare the road bed and grade, construct and macadamize said road.

Duty of stone road commissioners.

SEC. 17. That portion of said State road which extends into the city of West Bay City, including Center street south of the south line of section seventeen, and the East Saginaw and Au Sable State road in said city, being a continuation in a direct line of said road with the paved portion of the East Saginaw and Au Sable State road in said city, may be improved and the macadamizing and stone work thereon extended so as to connect with the pavement on East Saginaw and Au Sable State road in said city at the south boundary of section twenty-nine: *Provided*, Such improvement be ordered by the common council of said city. The cost and expense of such work to be paid for jointly by the city of West Bay City and by the board of stone road commissioners of Bay county.

Of portion of road in West Bay City.

Proviso.

Cost of, how paid.

SEC. 18. Nothing in this act contained shall be so construed as to interfere with common council of West Bay City from ordering any special improvement in sewerage, water-works or paving or any other special improvements on any part of said Center Avenue State road inside of the city of West Bay City and all improvements, special or otherwise, when ordered by such common council without

City to have control of certain portion, etc.

any agreement with the stone road commissioner, shall be paid for by the city of West Bay City.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 136.]

AN ACT to provide for the incorporation of the high and subordinate courts of the Independent Order of Foresters for the State of Michigan.

May incorporate.	SECTION 1. <i>The People of the State of Michigan enact,</i> That the high and subordinate courts of the Independent Order of Foresters of the State of Michigan may be incorporated in pursuance of the provisions of this act.
Number of incorporators.	SEC. 2. Any ten or more persons, residents of this State, being members of the high and subordinate courts of the Independent Order of Foresters of the State of Michigan, desirous to [be] become incorporated, may make and execute articles of incorporation under their hands and seal, which articles of association shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, and shall set forth:
Articles of association.	<i>First</i> , the names of the persons associating in the first instance, and their places of residence;
Names, etc.	<i>Second</i> , the corporate names by which such association shall be known in the law, and the place of its business office;
Idem.	<i>Third</i> , The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the high court of the Independent Order of Foresters and the period for which it is incorporated, not exceeding thirty years.
Objects, etc.	SEC. 3. A copy of said articles of association, together with a copy of the charter and constitution of said high court, shall be filed with the Secretary of State, and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, take, receive, hold and enjoy to them and their successors, estates, real and personal, of suing and being sued, and to have a common seal, which may be altered or changed at their pleasure: <i>Provided</i> , That the value of such real and personal estate shall not exceed the sum of ten thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents and
Copy to be filed.	
Proviso as to property.	

incomes shall be devoted exclusively to the charitable and benevolent purposes of the high court of the Independent Order of Foresters. Said corporation to have full power to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation not repugnant to the constitution and laws of this State or of the United States, and to designate, elect, or appoint, from its members, such officers, under such name and style as shall be in accordance with the constitution or the laws of the supreme court of the Independent Order of Foresters. By laws, etc.

SEC. 4. A copy of the record of such articles of association, under the seal of the State, duly certified, according to law, shall be received as *prima facie* evidence in all courts of this State of the existence and due incorporation of such corporation. Certified copy to be evidence, etc.

SEC. 5. Such corporation, when duly formed, shall have power to institute and charter subordinate courts of said order within this State, and from time to time to make, ordain, constitute and establish such general laws and by-laws, ordinances and regulations for the government of such subordinate courts not repugnant to the law or to the constitution or regulations of the high court and the supreme court of the Independent Order of Foresters as to them shall seem proper and necessary; and in case of violation or non-compliance with such ordinances, by-laws and regulations, to revoke and annul the charter granted to such subordinate courts: *Provided*, That the existing subordinate courts heretofore duly chartered by the high court of Michigan or the supreme court, shall be subject to the control of the said high court under this act as heretofore, and in the same manner and to the same extent as those that may be hereafter instituted and chartered under this act. Power to institute subordinate courts. Proviso.

SEC. 6. Any nine or more persons, residents of this State, being members of any subordinate court, having been duly chartered by the high court of this State, desirous to become incorporated, may make and execute articles of association under their hands and seal, specifying as provided in article two of this act, and file a copy of such articles with the clerk of the county in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and incorporate by the name expressed in such articles of incorporation, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold, and enjoy, grant, sell, give, lease and demise real and personal estate, of suing and being sued, and may have a common seal and change and alter the same at pleasure, and a certified copy of the record of such articles of association, under seal of the county where the record is Incorporation of subordinate courts. Articles of association. To be filed, etc. Certified copy to be evidence, etc.

Provide as to
property.

kept, shall be received as *prima facie* evidence in all courts in this State of the existence and due incorporation of such incorporation: *Provided*, That the value of such real and personal estate shall not exceed the sum of two thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise and dispose of said real and personal estate, or part thereof at their will and pleasure, and the proceeds, rents and incomes shall be devoted exclusively to the charitable and benevolent purposes of the Independent Order of Foresters.

May erect build-
ing, etc.

SEC. 7. Any corporation formed in pursuance of this act may erect and own such suitable edifice, building or hall as to such corporation shall seem proper, with convenient rooms for the meetings of the courts of the Independent Order of Foresters, and for that purpose may create a capital stock of not more than ten thousand dollars to be divided into shares of not more than ten dollars each.

Subject to gen-
eral law, etc.

SEC. 8. All corporations formed under this act shall be [subjected] subject to the provisions of chapter one hundred and thirty of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter and amend this act at any time.

Approved June 16, 1891.

[No. 137.]

AN ACT to amend sections two, seven, eight, fifteen and seventeen, of act number two hundred and sixty-two, of the session laws of eighteen hundred and eighty-nine, entitled "An act for the winding up of mining and manufacturing corporations whose charters have expired," and to repeal sections twelve, thirteen and fourteen of said act number two hundred and sixty-two.

Sections
repealed.

SECTION 1. *The People of the State of Michigan enact*, That sections twelve, thirteen, and fourteen of act number two hundred and sixty-two of the session laws of eighteen hundred and eighty-nine, entitled "An act for the winding up of mining and manufacturing corporations whose charters have expired," be and the same are hereby repealed and that sections two, seven, eight, fifteen and seventeen, of said act number two hundred and sixty-two, be and the same are hereby amended so as to read as follows:

Who may file
bill in chancery.

SEC. 2. Any stockholder of such corporation or the assignee of such stockholder, or the executor or administrator of such stockholder, or any legatee of such stockholder, or the assignee of such executor, administrator or legatee of such stockholder, or any creditor of such corporation, or

any person who may have [any] an equitable interest therein, or any tenant [in] on common of lands in which such corporation may own an undivided interest, may file a bill in the circuit court in chancery in any county in this State in which any of the real or personal estate of such corporation belongs or may be situated, for the purpose of winding up such corporation, which bill shall set forth:

What bill shall set forth.

First, The nature of complainant's claim, the date of the organization of such corporation, its duration, and a copy of its organization if the articles of incorporation of such corporation shall be on file in the office of Secretary of State;

Claim, etc.

Second, A statement of the assets, both real and personal, either in law or equity, belonging to such corporation so far as is known to said complainant;

Statement of assets.

Third, A statement of the amount of the capital stock of such corporation if known, the names of the stockholders and their [residence] residences as they appear in the last report of the officers of said corporation on file in the office of the Secretary of State, together with the number of shares belonging to each, and the amount paid upon such shares respectively and the amount remaining due thereon so far as the same may be known to complainant: *Provided,* That if the officers of such corporation shall have never filed a report in the office of the Secretary of State, then the names of the stockholders as they appear upon the articles of association of said corporation filed with the Secretary of State shall [be] set forth, together with the names of the stockholders, as they appear upon the books of said corporation, if the books are accessible to such complainant. If such books are not accessible, the circuit judge shall, upon satisfactory proof thereof, make an order that such proceedings may be had against the stockholders named in the articles of association of such company and upon obtaining such order it shall then be sufficient to state in such bill of complaint the names of the stockholders as they appear in said articles of association;

Statement of capital stock, etc.

Proviso.

Fourth, A statement of all incumbrances upon any of the real or personal property of said corporation, together with all adverse claims upon the title to its real and personal property, with the names of the persons claiming the same, so far as the same may be known to said complainant;

Statement of incumbrances, etc.

Fifth, A statement of the debts of such corporation, the names and places of residence of all the creditors and the nature of such debt and demand, and the true consideration of such indebtedness so far as the facts are known to the complainant;

Statement of debts, etc.

Sixth, If the parties interested in such proceedings are numerous or unknown the complainant may state that fact in his bill of complaint and aver therein that the bill is filed in his own behalf and in behalf of all other persons interested therein that may choose to come in and share the expense of such proceedings;

Of parties interested, etc.

Prayer of bill,
etc.

Seventh, Such bill shall pray that the affairs of said corporation be wound up and that a trustee of the said corporation be appointed and may contain any other appropriate prayer for relief and process.

Publication of
order to be suffi-
cient notice, etc.

SEC. 7. Notice of the contents of such order shall be published once in each week, for three weeks successively, in such newspaper published in the county where such proceedings are commenced as the court, or the judge thereof, may direct, and in case there shall be no newspaper published in said county, then in that case in such newspaper published in an adjoining county, as the court or the judge thereof may direct, and upon filing of due proof of the publication of said order, as herein directed, it shall be deemed sufficient service upon the defendant corporation whose affairs it is proposed to wind up, and due notice to all persons not named as parties to the proceeding the same as if they had been served with the usual process in said cause to appear therein.

To whom sub-
poenas shall
issue, etc.

SEC. 8. Upon the filing of said bill a subpoena shall issue to all persons who are made defendants by name in said bill requiring them to appear in said cause, in the same manner as in ordinary proceedings in chancery cases, when a bill is filed against defendants in such court, and all subsequent proceedings in such suit, including the service of the subpoena upon all persons who are made defendants by name in said bill shall be taken in said cause according to the rules and practice in chancery cases, and the court or judge thereof at chambers shall have power pending such litigation to appoint a trustee with the usual powers of receivers in chancery to take charge of the property of said corporation. Upon application for the appointment of a trustee *pendente lite*, an order to show cause why one should not be appointed, shall be made by the court, or the judge thereof at chambers, which order shall be published in the same manner as the notice provided for in section seven of this act, and shall have the same effect as the publication therein provided for.

Appointment of
trustee, etc.

Hearing of
petition, etc.

SEC. 15. If it shall satisfactorily appear to said court, upon the hearing of said cause, and the corporate existence of said corporation mentioned in said bill has expired, and that the complainant is legally or equitably entitled to a share in said assets of said corporation and the relief sought, the court shall by its decree direct the winding up of said corporation, and shall appoint some suitable person as trustee of such corporation, who, upon accepting such trust, and before entering upon the performance of his duties as such trustee, shall give such security as the court shall direct for the faithful discharge of his duties as such trustee and for the due accounting of all moneys and effects that may come into his hands as such trustee.

Appointment
and duties of
trustee, etc.

Publication of
notice, etc.

SEC. 17. That said notice mentioned in the last preceding section shall be published once in each week, for three

weeks successively, in a newspaper published in the county where such suit or proceedings have been instituted, if any such be published, if not, then in some paper published in an adjoining county.

This act is ordered to take immediate effect.

Approved June 16, 1891.

[No. 138.]

AN ACT providing for the payment by the State of bounties offered to soldiers and sailors under the call of the President of the United States of February first, one thousand eight hundred and sixty-four, and remaining due to them and their heirs.

SECTION 1. *The People of the State of Michigan enact,* To whom bounty to be paid, etc.
That there shall be paid to each enlisted man who enlisted and was mustered into the military or naval service of the United States during the late war of the rebellion, under the call of the President of the United States bearing date February first, one thousand eight hundred and sixty-four, and who served in a Michigan regiment, company or battery, or who served in any organization from any other State, and who was credited to this State, or to any county, township, city or village, or military sub-district therein, under offers of bounties made by virtue of acts passed by the Legislature of Michigan, such sum or sums as may remain due to such soldier or sailor under said offer of bounties, and in case of his death, then to his widow, or in case of her death or Payment to heirs, etc. remarriage, then to the surviving children of such soldier or sailor; or in case neither widow nor child survive him, then to his father or mother in the order named.

SEC. 2. It shall be the duty of the quartermaster general and adjutant general upon application being made to them by any such soldier or sailor, or his widow, or in case of her death or remarriage, the surviving children of such soldier or sailor, his father or mother, as aforesaid, for the payment of such bounty, to ascertain upon proper and sufficient proofs, Duty of Quartermaster General and Adj. Gen. to be made in such manner and under such rules and regulations as shall be prescribed by the board of State auditors: Proofs to be made.

First, Whether the applicant is a soldier or sailor, or the legal representative of a soldier or sailor, who is entitled to the bounty under the provisions of this act;

Second, The amount of bounty, if any, heretofore paid to such soldier or sailor by this State.

SEC. 3. If it shall appear that said applicant is entitled to the sum claimed or any part thereof, they, the said quartermaster general and adjutant general, shall make the necessary certificate showing the amount so due, which certificate together with the proofs and copies of the records To issue certificate, etc.

Duty of Board of State Auditors.	relating thereto shall be forwarded to the board of State auditors. The board of State auditors shall thereupon examine and review such proof, and if found correct draw their warrant upon the State treasury for the amount so due, and the amount of said warrant, together with the date of its drawing, shall be communicated to the person entitled to receive the same, together with a voucher to be executed by the recipient of said bounty and returned to the Auditor General, according to certain rules to be prescribed by the board of State auditors, and thereupon said warrant shall be forwarded to the person so entitled to said bounty and, when properly indorsed and presented in due form to the State Treasurer, shall be paid out of any moneys in the State treasury for that purpose appropriated, and in case there shall not be sufficient money in the State treasury applicable to such purpose, such warrant shall remain as an obligation against the State until paid, and a sum of money not exceeding one hundred thousand dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated for the payment of said bounties.
Warrant to be paid, etc.	
Transfer of applications.	SEC. 4. All applications for bounties, now on file in the office of the board of State auditors shall be transferred to the quartermaster general and adjutant general, and considered by them as original applications.
Agent or attorney not necessary.	SEC. 5. It shall not be necessary to employ any agent or attorney for the prosecution or collection of said claims for bounties; but they shall be settled and adjusted directly by the quartermaster general, adjutant general and board of State auditors without cost to said applicant, and the checks drawn in payment of these bounties shall be mailed directly to the claimant, or the money paid to the claimant, and it shall not be lawful to pay any moneys to third parties except after the transfer of said checks by indorsement of the soldier or claimant in whose favor the same was drawn.
To whom money payable.	This act is ordered to take immediate effect. Approved June 16, 1891.

[No. 139.]

AN ACT to require all corporations, associations, joint stock companies and persons, natural or artificial, however organized or named, who are engaged in the business of mining, smelting or refining ores in this State, to pay taxes for State and other purposes upon all their property, real and personal; and to repeal act number two hundred of the session laws of eighteen hundred and sixty-one, entitled "An act authorizing the supervisors of the several towns in the upper peninsula to assess and collect the State taxes upon all mining companies' real estate or other property," approved March fifteenth, eighteen hundred and sixty-one,

the same being continuous paragraphs eleven hundred eighty-six, eleven hundred eighty-seven and eleven hundred eighty-eight of Howell's Annotated Statutes of Michigan, and to repeal act number one hundred and thirty-six of the session laws of eighteen hundred and sixty-five, entitled "An act imposing a specific tax upon corporations and chartered companies engaged in the business of mining, smelting and refining ores in this State," approved March tenth, eighteen hundred and sixty-five, as amended by act number one hundred and ninety-one of the laws of eighteen hundred and sixty-seven, by act number one hundred and eleven of the laws of eighteen hundred and seventy-one, and by act number fifty-nine of the laws of eighteen hundred and seventy-two, said act number one hundred and thirty-six of the laws of eighteen hundred and sixty-five, as thus amended, being continuous paragraphs twelve hundred twenty-six and twelve hundred twenty-seven of said annotated statutes, as amended by act number one hundred and eight of the laws of eighteen hundred and eighty-seven, and to repeal all other acts and parts of acts inconsistent herewith.

SECTION 1. *The People of the State of Michigan enact,* Acts repealed.
That act number two hundred of the session laws of eighteen hundred sixty-one, entitled "An act authorizing the supervisors of the several towns in the upper peninsula to assess and collect the State taxes upon all mining companies' real estate or other property," approved March 15, 1861, the same being continuous paragraphs eleven hundred eighty-six, eleven hundred eighty-seven and eleven hundred eighty-eight of Howell's Annotated Statutes of Michigan, and act number one hundred thirty-six of the session laws of eighteen hundred sixty-five, entitled "An act imposing a specific tax upon corporations, and chartered companies engaged in the business of mining, smelting and refining ores in this State," approved March tenth, eighteen hundred sixty-five, as amended by act number one hundred ninety-one of the laws of eighteen hundred sixty-seven, by act number one hundred eleven of the laws of eighteen hundred seventy-one, and by act number fifty-nine of the laws of eighteen hundred seventy-two; said act number one hundred thirty-six of the laws of eighteen hundred sixty-five, as thus amended, being continuous paragraphs twelve hundred twenty-six and twelve hundred twenty-seven of said annotated statutes as amended by act number one hundred eight of the laws of eighteen hundred eighty-seven, together with all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

SEC. 2. Hereafter all the property, real and personal, of all corporations, associations, joint stock companies and persons, natural or artificial, however organized or named, who are engaged in the business of mining, smelting or refining To be taxed under general law, etc.

ores in this State, shall be taxed for State and other purposes, under the general provisions of law relating to the assessment and taxation of property, and the taxes shall be assessed and collected under such general provisions of law: *Provided*, That nothing in this act contained shall prevent the collection of specific taxes for State purposes falling due in the month of July, eighteen hundred ninety-one, under the provisions of law hereby repealed.

This act is ordered to take immediate effect.

Approved June 16, 1891.

[No. 140.]

AN ACT to provide for a State board of inspectors who shall perform the duties now performed by the advisory board in the matter of pardons and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for boys at Lansing, and the Industrial Home for girls at Adrian, and to abolish all existing boards and to annul all existing appointments.

SECTION 1. *The People of the State of Michigan enact,* That the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for boys at Lansing, and the Industrial Home for girls at Adrian, shall all be under the complete management and control of one board to consist of four members, not more than three of whom shall be of the same political party, to be appointed by the Governor by and with the advice and consent of the Senate, one to serve for two years, one to serve for four years; one to serve for six years and one to serve for eight years as may be designated by the Governor at the time of their appointment, and at the expiration of the term, their successors shall be appointed in like manner for a term of eight years. The Governor shall be *ex officio* a member of said board; whenever a vacancy occurs in the board otherwise than by the expiration of a term of appointment such vacancy shall be filled by the Governor for the remainder of the term in the usual manner. The first appointments shall be made by the Governor on the passage of this act, or as soon thereafter as may be, and the terms of office of the first appointees shall terminate on the fifteenth day of February, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-five, one thousand eight hundred and ninety-

What institutions
to be under one
board.

Appointment of,
etc.

Governor to be
member of said
board.

Of vacancies.

First appoint-
ments and ex-
piration of terms.

seven, one thousand eight hundred and ninety-nine respectively.

SEC. 2. Before entering upon the discharge of their duties each member of said board shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. Oath of office.

SEC. 3. The members of said board shall each receive compensation at the rate of one thousand dollars per annum, and each shall receive his actual and necessary expenses while employed in the duties of the board, and such salary and expenses shall be stated in account under oath, and when approved by the Governor shall be paid by the State Treasurer on the warrant of the Auditor General, out of any moneys in the treasury not otherwise appropriated. Salary, etc.
Account to be approved, etc.

SEC. 4. The officers of each of the prisons shall consist of a warden, who shall be principal keeper, one deputy warden, one clerk, one chaplain, one physician, who is a surgeon, and who shall also be a keeper, and one chief engineer, and as many keepers and guards as the warden and board may deem necessary. And for the Michigan Asylum for Insane Criminals, Reform School for boys at Lansing, and the Industrial Home for girls at Adrian, there shall be one superintendent for each, and as many assistants as the board may deem necessary. Each warden or superintendent shall reside at the prison, asylum or school over which he has charge, in furnished apartments assigned by the board, and shall be entitled to food, fuel and light for his family and for guests who visit him on business connected with the said institutions. The wardens or superintendents shall be in constant attendance at the prison, asylum or school except when absent on some necessary duty or for sickness, in which case their duties during their absence or sickness shall be performed by the deputy or first assistant, and in no case shall the warden or superintendent and deputy or first assistant be absent at the same time. Officers of prisons.
Of other institutions.
Residence of warden, etc.
To be in attendance, etc.

SEC. 5. The said board of prison inspectors when organized shall immediately appoint a warden for each prison named and a superintendent for said asylum and each of the schools named, but the superintendent of the Industrial Home for girls shall be a woman, to serve for four years or during the pleasure of the board who have executive ability essential to the proper management of the officers and employes under their jurisdiction and to enforce and maintain proper discipline in every department, and such appointees shall have full control and management under rules and regulations adopted by the board, with power to suspend for cause any officer and discharge any employé in the institution over which they have charge, and report such action to the board. All officers and employes shall be appointed by the warden or superintendent subject to the approval of the board and all officers may be removed by the board. The board of inspectors shall also have Board to appoint warden, etc.
Appointment of other officers, etc.

Removal of warden, etc.	power to remove the warden or superintendent for cause after opportunity shall be given him to be heard upon written charges. No warden or superintendent shall be removed except for cause.
Of salaries.	SEC. 6. The following salaries shall be paid to the wardens and superintendent of the asylum, a sum not exceeding one thousand five hundred dollars per annum each, with keep as provided; to the deputy warden a sum not exceeding one thousand dollars with board; to the clerk a sum not exceeding one thousand dollars; to the physician a sum not exceeding one thousand dollars; to the chaplain a sum not exceeding one thousand dollars; to the chief engineer a sum not exceeding one thousand dollars; to the superintendent of Reform School at Lansing, one thousand five hundred dollars, with keep as provided. To the superintendent of Industrial Home for girls at Adrian, one thousand dollars with keep, as provided. The said board of inspectors shall fix the salaries as herein provided and for all other employes deemed by them necessary to have for the proper management of each institution, stating whether same is with or without board. Said salaries are to be paid monthly from money on hand or drawn from the State treasury.
Board to fix certain salaries.	
Bond of warden, etc.	SEC. 7. Before entering upon the duties of their office, the warden or superintendent shall execute to the people of the State, a bond with two or more sufficient sureties in the penal sum of twenty-five thousand dollars, conditioned that they shall faithfully account for all moneys and properties that may come into their hands by virtue of their office, whether arising from the labor of convicts, the sale of manufactured articles, or appropriations made by the Legislature and drawn from the State treasury, and shall perform all the duties incumbent upon them as such warden or superintendent according to law, which bond shall be approved by the board and filed in the office of the Auditor General.
Approval of, etc.	
Meetings of board, etc.	SEC. 8. The board of inspectors shall meet at each prison, asylum or school at least once in every three months, and as much oftener as the proper management thereof shall require. A majority of the members of the board shall constitute a quorum for the transaction of business and the first out-going member shall be the chairman thereof; they shall make all necessary rules and regulations for the government and management of said institutions in all its details. It shall be the duty of the officers in charge to see that such rules and regulations are properly carried out. The warden or superintendent, or as he may direct, the clerk of the prison, asylum or school shall attend the meetings of the board and shall keep regular minutes of the proceedings in a book provided for that purpose, and the minutes thus kept shall be signed by the chairman, and kept in the prison, asylum or school.
Quorum, etc.	
Clerk of board.	
How moneys drawn.	SEC. 9. All moneys drawn from the State treasury for the uses of the several institutions named shall be upon

the warrant of the warden or superintendent, indorsed by the board of inspectors and approved by the Auditor General.

SEC. 10. The warden or superintendent, under directions of the board, shall cause the books of the institution to be so kept as to clearly exhibit the workings of the prison, asylum or school, in all its departments. He shall make a quarterly statement to the board which shall specify in detail all receipts and expenditures; proper itemized vouchers in duplicate shall be taken for each expenditure, one of which shall accompany each quarterly statement, the other to be kept on file at the institution and the said quarterly statement with vouchers attached after approval by the board, shall be filed with the Auditor General. The accounts of each institution shall be annually closed on the thirtieth day of November of each year, and the warden or superintendent shall make a report to the said board within one month thereafter, showing the condition of the prison, asylum or school, together with a detailed statement of the receipts and expenditures in each department, and the estimates of expense for building, repairs and all other purposes for the next succeeding year; the names and duties of all employes with their several salaries; the contracts entered into during the year for the employment of convicts; the name of each contractor in the prison or school with the number of convicts employed by him and the price paid for their labor; the whole number of inmates in the prison, asylum or school, and the whole number received during the year, with the names of the counties from whence they were received, and the crimes of which they were convicted; the number discharged, died, escaped or pardoned, together with such other facts and suggestions as may fully exhibit the entire workings of the prison or school during the year.

Keeping of books.

Quarterly statement.

Annual reports, etc.

SEC. 11. No inspector, warden or superintendent or any other employe shall be directly or indirectly interested in any kind of business carried on in such prison, asylum or school, nor in the purchase or sale for or on account of such prison or school, nor shall they employ the labor of any convict upon any work in which they are interested; all infractions of the rules and regulations shall be reported by the officer in charge, to the warden or superintendent, who alone is authorized to prescribe punishment, and all good time lost by said infraction of rules and regulations may, upon the recommendation of the warden, be restored by the board of inspectors. The warden or superintendent shall cause to be kept a daily journal of the proceedings of the prison, asylum or school in such manner as may be directed by the board of inspectors, and keep in each cell or room in the prison, asylum or school, a copy of the rules and regulations adopted by the board for the government of prisoners.

Not to be interested in business, etc.

Daily journal, etc.

SEC. 12. The said board of inspectors shall make a biennial report to the Governor to be by him laid before the

Board to report biennially.

Legislature; the first report to be made in January, one thousand eight hundred and ninety-three, which shall contain the reports made them by the officers of each institution, together with such recommendations for the betterment of each institution, and any other information they may deem proper to submit.

To be advisory
board of pardons.

Repealing
clause.

Certain boards
abolished, etc.

SEC. 13. The said board of inspectors shall be the advisory board in the matter of pardons, and shall exercise the powers and perform the duties of said advisory board as provided by law. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and the present boards of managers of said institutions consolidated under this act be and the same are hereby abolished and all appointments of officers and agents at said institutions are hereby annulled.

Approved June 17, 1891.

[No. 141.]

AN ACT to repeal act number two hundred and fourteen, of the public acts of eighteen hundred and eighty-nine, entitled "An act to amend act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-seven, entitled 'An act to provide for a tax upon dogs and to create a fund for the payment of certain damages for sheep killed or wounded by them in certain cases,' approved May twenty-third, eighteen hundred and seventy-seven, as amended by act number two hundred and eighty-three of the public acts of eighteen hundred and eighty-one, approved June eleventh, eighteen hundred and eighty-one, by adding four new sections thereto to stand as sections eleven, twelve, thirteen and fourteen," and to provide for the payment of the moneys now in the hands of the county treasurers, on account of said act, to the several township and city treasurers to which the same belong, respectively, upon demand therefor.

Act repealed.

SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and fourteen of the public acts of eighteen hundred and eighty-nine, entitled "An act to amend act number one hundred and ninety-eight of the session laws of eighteen hundred and seventy-seven, entitled 'An act to provide for a tax upon dogs and to create a fund for the payment of certain damages for sheep killed or wounded by them in certain cases,' approved May twenty-third, eighteen hundred and seventy-seven, as amended by act number two hundred and eighty-three of the public acts of eighteen hundred and eighty-one, approved June eleventh, eighteen hundred and eighty-one, by adding four new sections thereto, to stand as sections eleven, twelve, thirteen and fourteen," be and the same is hereby repealed.

SEC. 2. Moneys now in the hands of county treasurers on account of said act, shall be paid to the several township and city treasurers to which the same belong, respectively, upon demand therefor. Moneys, etc., to be paid to city and township treasurers.

Approved June 17, 1891.

[No. 142.]

AN ACT to make an appropriation for the erection of water closets at the State Normal School in Ypsilanti, and for providing the necessary sewer connections therewith.

SECTION 1. *The People of the State of Michigan enact,* Appropriation. That there is hereby appropriated out of the State treasury the sum of eight thousand dollars for erecting water closets at the State Normal School at Ypsilanti, and making proper sewer connections therewith, to be paid during the years eighteen hundred [and] ninety-one and eighteen hundred and ninety-two.

SEC. 2. There shall be assessed upon the taxable property of the State in the year eighteen hundred ninety-one the sum of four thousand dollars, and in the year eighteen hundred ninety-two the sum of four thousand dollars, to be assessed, levied and collected in like manner as other taxes are assessed, levied and collected, which tax, when collected, shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom as provided in this act. To be incorporated in tax of 1891-2.

SEC. 3. The sum provided for in this act shall be expended under the direction of the State Board of Education, when the city of Ypsilanti shall have provided proper sewerage connections, and shall be drawn from the treasury upon presentation of the proper requisition of said board to the Auditor General, and on his warrant to the State Treasurer. When to be expended.

This act is ordered to take immediate effect.

Approved June 17, 1891.

[No. 143.]

AN ACT to exempt from taxation the property of the [Women's] Woman's Auxiliary Association of the University of Michigan.

SECTION 1. *The People of the State of Michigan enact,* To be exempt from taxation. That all property of the said Women's Auxiliary Association of the University of Michigan, or held by any trustee for such association, while held and used solely for the purposes of the association, to wit: For maintaining at the

University of Michigan women as professors and instructors in the University, whose services shall be at the disposal of the faculty and regents of the University, as teachers and lecturers, without charge to the University or the State of Michigan, shall be forever free and exempt from taxation in any form, under the laws of the State of Michigan.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 144.]

AN ACT to authorize the faculty of the department of literature, science and the arts, of the University of Michigan to give teachers' certificates in certain cases.

University may
issue certificate
to teach, etc.

Of annulling
certificate, etc.

SECTION 1. *The People of the State of Michigan enact,* That the faculty of the department of literature, science and the arts, of the University of Michigan, shall give to every person receiving a bachelor's, master's or doctor's degree, and also a teacher's diploma for work done in the science and the arts of teaching from said University, a certificate, which shall serve as a legal certificate of qualification to teach in any of the schools of this State, when a copy thereof shall have been filed or recorded in the office of the legal examining officer or officers of the county, township, city or district. Such certificate shall not be liable to be annulled except by the said faculty of the said University; but its effect may be suspended in any county, township, city or district, and the holder thereof may be stricken from the list of qualified teachers in such county, township, city or district, by the legal examining officer or officers of the said county, township, city, or district, for any cause and in the same manner that such examining officer or officers may be by law authorized to revoke certificates given by himself or themselves, and such suspension shall continue in force until revoked by the authority suspending it.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 145.]

AN ACT authorizing the board of managers of the Michigan Soldiers' Home to sell certain real estate now belonging to the State of Michigan, and to apply the proceeds of such sale to the improvement of the grounds and buildings of that institution.

Sale of real es-
tate authorized.

SECTION 1. *The People of the State of Michigan enact,* That the board of managers of the Michigan Soldiers' Home be and are hereby authorized to sell a certain piece of real

estate known as the Whitney and Saunders property, and described as follows: All that certain piece or parcel of land situate and being in section six in said township of Grand Rapids, Kent county, Michigan, beginning on the south line of Robert Briggs' farm and on the east line of the Canal street gravel road, thence east on said Briggs' south line to a corner; thence south ten rods to a corner; thence west parallel to said Briggs' south line to the east line of said gravel road; thence northerly on said east line of said gravel road to the place of beginning, containing one-half acre of land, exclusive of a strip two rods wide upon the north side and adjoining said Briggs' land, which is to be kept open for a highway: *Provided*, That the price to be obtained for said property shall not be less than five thousand dollars.

Proviso as to price.

SEC. 2. The money received from the sale of said property shall be turned over to the treasurer of the Home to be used, not exceeding two thousand dollars for the improvement of the grounds, not exceeding one thousand dollars for a barn, the remainder for repairs and improvement of the buildings, the money to be expended under the direction of the board of managers, and to be accounted for by them as are other public moneys.

Disposal of proceeds.

This act ordered to take immediate effect.

Approved June 19, 1891.

[No. 146.]

AN ACT to amend sections three, four and five of act number two hundred and six of the public acts of eighteen hundred and eighty-one, entitled "An act to provide for the uniform regulation of certain State institutions and to repeal section seven of act number one hundred and forty-eight of the session laws of eighteen hundred and seventy-three, act one hundred and sixty-two of the session laws of eighteen hundred [and] seventy-three, act number thirty-one of the session laws of eighteen hundred and seventy-five, section seventeen of act number two hundred and thirteen of the session laws of eighteen hundred and seventy-five, section seventeen of act number one hundred and seventy-six of the session laws of eighteen hundred and seventy-seven, section sixteen of act number one hundred and thirty-three of the session laws of eighteen hundred and seventy-nine, section twenty of act number two hundred and fifty of the session laws of eighteen hundred and seventy-nine, and all acts or parts of acts contravening the provisions of this act," the same being sections four hundred and fourteen, four hundred and fifteen, and four hundred and sixteen of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact*, *Sections amended.*
That sections three, four and five of act number two hun-

dred and six of the public acts of eighteen hundred and eighty-one, being sections four hundred and fourteen, four hundred and fifteen and four hundred and sixteen of Howell's Annotated Statutes, be and the same are hereby amended so as to read as follows:

Inventory, how
made, etc.

SEC. 3. That the board of each State institution shall cause a full and accurate inventory, in duplicate, to be taken at the close of its fiscal year next preceding the regular biennial session of the Legislature, by the officer in charge, which shall specify the number of acres of land and the value thereof, the number, kind and value of buildings, the various kinds of personal property and value thereof, which inventory shall be signed by the officers making the same, and certified as being correct by the board for which it is made, one copy of which shall be made in a proper record book to be kept for that purpose in the institution, the other shall be filed in the office of the Auditor General on or before the first day of November following. Any board of any State institution may, in its discretion, cause such property to be appraised on oath by two disinterested and competent appraisers to be appointed for that purpose by the board, and a summary of each inventory made shall be published in the report of the institution of that year and a sufficient number of copies furnished the Secretary of State in the following December for each member of the Legislature: *Provided further*, That each State institution shall file with the Auditor General in the month of July, eighteen hundred ninety-one, a complete inventory as herein described.

Of appraisement.

Proviso.

Record of
receipts and ex-
penditures, how
kept, etc.

SEC. 4. Every educational, charitable, penal and reformatory institution, boards or commission disbursing public money shall, in proper books for that purpose, keep a regular account of all moneys received and disbursed, and the receipts from and expenditures for and on account of each department of business, or for the construction of buildings or improvement of the premises; and in those institutions where farming and gardening operations are carried on the accounts shall be so kept as to show, as near as practicable, the cost of carrying on the farm or garden and the quantity and value of the productions of the same, with the cost of live stock raised or fattened for the use of the institution, and the quantity and value thereof; and where manufacturing operations are carried on the cost and result of each separate branch of manufacture, and the quality and value of all manufactured articles sold or used in the institution, so as to clearly exhibit the receipts and expenditures in each department of business carried on in the institution, and the cost of educating and maintaining each student or inmate therein. The accounts of receipts and disbursements in all State institutions shall be rendered monthly to the Auditor General on blanks to be furnished by him, and shall conform as near as may be practicable to a uniform system.

Monthly account,
etc.

To accomplish this result the Auditor General, by himself, his deputy or general accountant, may visit any institution at any time, examine the books, papers and accounts of any institution, prescribe such methods of book-keeping as he shall deem proper for said institutions and make such a classification of receipts and expenditures as shall be the same, for similar institutions: *Provided further*, That in making such a classification of accounts he shall notify the board of each institution affected thereby that a meeting will be held in Lansing, Michigan, on some day in June, eighteen hundred ninety-one, to be designated by him, at which meeting each institution may send one delegate, which, together with the Auditor General and general accountant, shall determine by a majority vote of those present the classification to be used, which classification shall be adopted by all institutions designated by the Auditor General, on and after June thirtieth, eighteen hundred ninety-one.

Auditor General may examine books, etc.

Proviso.

SEC. 5. Every officer, board, commission or agent disbursing public funds shall make an annual settlement with the State within thirty days after the close of each fiscal year, and at such other times as the Governor shall direct. Such settlement shall be made with the Auditor General, upon a sworn statement, setting forth the amount on hand at the commencement of each fiscal year; also the amount received or disbursed during the period covered thereby, and the amount on hand at the close of each year. Upon the presentation of such statement, the Auditor General shall make an examination thereof, and if found correct, so signify by indorsement across the face of the statement. A copy of such report shall be published as a part of the annual report of such disbursing officer and of the Auditor General, and said statement, so indorsed, together with all papers presented by such officer, shall be returned to him for safe keeping and remain on file in his office.

Annual settlement, etc.

With whom made, etc.

Auditor General to examine and indorse.

Copy to be published.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 147.]

AN ACT to provide for the election of a county commissioner of schools, for the appointment of school examiners, [and] to define the duties and fix the compensation for the same, and to repeal all existing acts or parts of acts conflicting with the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That at the meetings of the several boards of supervisors of the different counties of the State, to be held on the fourth Monday in June, eighteen hundred ninety-one, the said several boards of supervisors shall elect a county commissioner of schools for their respective counties, whose term of office

Election of county commissioner of schools.

Term of office.	shall commence on the fourth Tuesday of August next following, who shall hold his or her office until the first day of July, eighteen hundred ninety-three, or until his or her successor shall be elected and qualified. Said boards of supervisors shall also on said fourth Monday of June, appoint two persons as school examiners, who, together with said commissioner of schools, shall constitute a board of school examiners. One of said school examiners shall be appointed for a period of one year and the other for a period of two years, from and after the second Monday of October next after their appointment, or until their successors have been appointed and have qualified; and thereafter such boards of supervisors shall, at each annual session, appoint one examiner who shall hold his office for a period of two years, or until his successor shall have been appointed and qualified.
Appointment of school examiners.	
Term of office.	
Annual appointment of examiners.	
Oath of office.	Within ten days after such commissioner or examiners shall have received legal notice of his or her election, he or she shall take and subscribe to the constitutional oath of office and the same shall be filed with the county clerk. The said county commissioner, so appointed, shall execute a bond with two sufficient sureties, to be approved by and filed with the county clerk, in the penal sum of one thousand dollars, conditioned that he or she will faithfully discharge the duties of his or her office according to law, and to faithfully account for and pay over to the proper persons all money which may come into his or her hands by reason of his or her holding such office; and thereupon the county clerk shall report the name and postoffice address of such county commissioner to the State Superintendent of Public Instruction.
Bond.	
County clerk to report address, etc.	
Biennial election of commissioner.	SEC. 2. There shall be elected at the election held on the first Monday in April, eighteen hundred ninety-three, and every second year thereafter, in each county, one county commissioner of schools, whose term of office shall commence on the first day of July next following his or her election, and who shall continue in office two years or until his or her successor shall be elected and qualified. The county commissioner of schools elected under the provisions of this section shall file with the county clerk for the county for which he or she is elected his or her oath of office and bond, the same as provided in section one of this act, and the county clerk shall make the same report to the Superintendent of Public Instruction in all respects as provided in section one of this act.
Term of office.	
To file oath and bond.	
Eligibility to office of, etc.	SEC. 3. No person shall be eligible to the office of county commissioner of schools who shall not be a graduate in the literary department of some reputable college, university or State normal school, or hold a State teacher's certificate, or who shall not have held a first grade certificate, within two years next preceding the time of his or her election, or shall have held the office of county commissioner under this act: <i>Provided</i> , That in counties having less than fifty schools subject to the supervision of the county commissioner, a person
Proviso as to certain counties.	

holding at the time of his or her election a second grade certificate shall be eligible.

SEC. 4. The board of school examiners shall, for the purpose of examining all persons who may offer themselves as teachers for the public schools, hold two regular public examinations in each year at the county seat, which examinations shall begin on the first Thursday of March and August in each year; and for a like purpose the board of school examiners shall hold not to exceed four special public examinations at such times and places as in the judgment of the board of school examiners the interests of the schools and teachers of the county may require: *Provided*, The first and second grade certificates shall be granted only at the regular public examinations provided for in this section. It shall be the duty of the county commissioner to make out a schedule of the times and places of holding special examinations and to cause it to be published in one or more newspapers of the county at least ten days before each special examination, and he or she shall send a copy thereof to the chairman of each township board of school inspectors in the county at least ten days previous to the time of holding any special examination.

Board to hold regular examinations, etc.

Special examinations.

Proviso.

Schedule of examinations.

SEC. 5. The board of school examiners shall meet on the Saturday following such public examination held by the county commissioner and shall grant certificates to teachers in such form as the Superintendent of Public Instruction shall prescribe, licensing as teachers all persons who shall have attained the age of sixteen years, who have attended said public examinations and who shall be found qualified in respect to good moral character, learning and ability to instruct and govern a school, but no certificate shall be granted to any person who shall not pass a satisfactory examination in orthography, reading, writing, grammar, geography, arithmetic, theory and art of teaching, United States history, civil government and physiology and hygiene with reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system. All certificates shall be signed by the county commissioner and by at least one other member of the board of examiners. No person shall be considered a qualified teacher within the meaning of this act, nor shall any school officer employ or contract with any person to teach in any of the public schools, under the provisions of this act, who has not a certificate in force, granted by the board of school examiners or other lawful authority. All examination questions shall be prepared and furnished by the Superintendent of Public Instruction to the county commissioner under seal, to be opened in the presence of the applicants for certificates on the day of examination.

Meeting of board to grant certificates, etc.

Signing of certificates.

Who deemed qualified teacher.

Of examination questions.

SEC. 6. There shall be three grades of certificates granted by the board of school examiners, in its discretion, and subject to such rules and regulations as the Superintendent of Public Instruction may prescribe, which grades of cer-

Grades of certificates.

First grade.	tificates shall be as follows: The certificate of the first grade shall be granted only to those who have taught at least one year with ability and success, and it shall be valid throughout the State for four years: <i>Provided</i> , That no first grade certificate shall be valid in any county other than that in which it was granted, unless a copy of said certificate, certified by the county commissioner who issued the same shall be filed with the county commissioner in the county in which the holder of said certificate desires to teach.
Proviso.	
Second grade.	The certificate of [the] second grade shall be granted only to those who shall have taught at least seven months with ability and success, and it shall be valid throughout the county for which it shall be granted for three years. The certificate of the third grade shall license the holder thereof to teach in the county for which it shall be granted for one year: <i>Provided</i> , That the county commissioner shall have power upon personal examination satisfactory to himself or herself to grant certificates which shall license the holder thereof to teach in a specified district for which it shall be granted, but such certificate shall not continue in force beyond the time of the next public examination and it shall not in any way exempt the teacher from a full examination:
Third grade.	
Proviso as to special certificate.	<i>Provided further</i> , That in case the holder of a special certificate does not appear for examination before the board at the next public examination succeeding the date of such special examination, a second special certificate shall not be granted to such person, except when it appears to the commissioner on good evidence that the absence was occasioned by sickness or other unavoidable cause.
Further proviso.	
Suspension of certificate, etc.	SEC. 7. The board of school examiners may suspend or revoke any teacher's certificate issued by them for any reason which would have justified said board in withholding the same when given for neglect of duty, for incompetency to instruct or govern a school, or for immorality, and the said board may, within their jurisdiction, suspend for immorality or incompetency to instruct and govern a school the effect of any teacher's certificates that may have been granted by other lawful authority: <i>Provided</i> , That no certificate shall be suspended or revoked without a personal hearing, unless the holder thereof shall, after a reasonable notice, neglect or refuse to appear before the said board for that purpose.
Proviso.	
Duty of commissioner.	SEC. 8. It shall be the duty of the county commissioner:
Notice of qualification.	<i>First</i> , Immediately after his or her qualification as commissioner, to send notice thereof to the Superintendent of Public Instruction and the chairman of each township board of school inspectors of the county;
Record of examinations, etc.	<i>Second</i> , To keep a record of all examinations held by the board of school examiners and to sign all certificates and other papers and reports issued by the board;
Of fees.	<i>Third</i> , To receive the institute fees provided by law and to pay the same to the county treasurer quarterly, beginning September thirty, in each year;

Fourth, To keep a record of all certificates granted, suspended or revoked by the said board or commissioner, showing to whom issued, together with the date, grade, duration of each certificate and, if suspended or revoked, with the date and reason thereof; Record of certificates.

Fifth, To furnish, previous to the first Monday in September in each year to the township clerk of each township in the county, a list of all persons legally authorized to teach in the county at large, and in such township, with the date and term of each certificate, and if any have been suspended or revoked, the date of such suspension or revocation; List of teachers, etc.

Sixth, To visit each of the schools in the county at least once in each year and to examine carefully the discipline, the mode of instruction, and the progress and proficiency of pupils: *Provided,* That in case the county commissioner is unable to visit all the schools of the county as herein required, the said commissioner may appoint such assistant visitors as may be necessary, who shall perform such duties pertaining to the visitation and supervision of schools as said commissioner shall direct: *Provided,* That the whole expense incurred by such assistant visitors shall not exceed the sum of ninety dollars in any one year; To visit schools, etc. Provide as to assistant visitors.

Seventh, To counsel with the teachers and school boards as to the courses of study to be pursued, and as to any improvement in the discipline and instruction in the schools; Counsel with teachers, etc.

Eighth, To promote by such means as he or she may devise, the improvement of the schools in the county, and the elevation of the character and qualifications of the teachers and officers thereof, and act as assistant conductor of institutes appointed by the Superintendent of Public Instruction and perform such other duties pertaining thereto as the superintendent shall require; Improvement of schools, etc.

Ninth, To receive the duplicate annual reports of the several boards of school inspectors, examine into the correctness of the same, requiring them to be amended when necessary, indorse his or her approval upon them, and immediately thereafter and before the first day of November in each year, transmit to the Superintendent of Public Instruction one copy of each of said reports and file the other in the office of the county clerk; To receive annual reports, etc.

Tenth, To be subject to such instructions and rules as the Superintendent of Public Instruction may prescribe; to receive all blanks and communications that may be sent to him or her by the Superintendent of Public Instruction and to dispose of the same as directed by the said Superintendent, and to make annual reports at the close of the school year to the Superintendent of Public Instruction of his or her official labor, and of the schools of the county, together with such other information as may be required; Subject to instructions of Supt. Public Instruction, etc.

Eleventh, To perform such other duties as may be required of him or her by law, and at the close of the Other duties.

	term of office to deliver all records, books and papers belonging to the office, to his or her successor.
Duty of chairmen, etc.	SEC. 9. It shall be the duty of the chairman of the board of school inspectors of each township:
Supervision of schools, etc.	<i>First</i> , To have general supervisory charge of the schools of his township, subject to such advice and direction as the county commissioner may give;
To make reports, etc.	<i>Second</i> , To make such reports of his official labors and of the condition of the schools as the Superintendent of Public Instruction may direct or commissioner request.
Compensation of commissioner.	SEC. 10. The compensation of each commissioner shall be determined by the board of supervisors of each county respectively, but the compensation shall not be fixed at a sum less than five hundred dollars per annum in any county where there are fifty schools under his or her supervision; at not less than one thousand dollars per annum where there are one hundred schools under such supervision; and not less than twelve hundred dollars where there are one hundred and twenty-five schools under his supervision; and in no case shall such compensation exceed the sum of fifteen hundred dollars per annum. Each member of the board of school examiners other than the county commissioner shall receive four dollars for each day actually employed in the duties of his office. The compensation of any assistant visitor, when appointed as provided in this act, shall be determined by the county commissioner, but in no case shall it exceed three dollars for each day employed. The compensation of the county commissioner, members of the board of school examiners and of any assistant visitor shall be paid quarterly from the county treasury, upon such commissioner or visitor filing with the county clerk a certified statement of his or her account, which shall give in separate items the nature and amount of the service for each day for which compensation is claimed: <i>Provided</i> , That in no case shall the county commissioner receive any order for compensation from the county clerk until he has filed a certified statement from the Superintendent of Public Instruction that all reports required of the commissioner have been properly made and filed with said superintendent: <i>Provided further</i> , That no commissioner shall receive an order for compensation until he shall have filed with the county clerk a detailed statement under oath showing what schools have been visited by him during the preceding quarter and what amount of time was employed in each school, naming the township and school district. The necessary contingent expenses of the commissioner for printing, postage, stationery, record books and rent of rooms for public examinations shall be audited and allowed by the board of supervisors of the county, but in no county shall the expenses so allowed exceed the sum of two hundred dollars per annum and no traveling fees shall be allowed to the commissioner or to any assistant visitor or school examiner.
Of examiners.	
Of assistant visitors.	
To be paid quarterly.	
proviso.	
Further proviso.	
Of contingent expenses.	
Limit of.	

SEC. 11. No county commissioner shall act as agent for the sale of any school furniture, text-books, maps, charts or other school apparatus, nor be interested financially in any summer normal, or teachers' training class in the county for which he was elected. Shall not act as agent, etc.

SEC. 12. Whenever by death, resignation, removal from office or otherwise a vacancy shall occur in the office of the county commissioner of schools, the county clerk shall issue a call to the chairman of the township board of school inspectors of each township in the county, who shall meet at the office of the county clerk on a date to be named in said [notices] notice not more than ten days from the date of the notice, and appoint a suitable person to fill the vacancy for the unexpired portion of the term of office. Of vacancies.

SEC. 13. All schools which by special enactment may have a district board authorized to inspect and grant certificates to the teachers employed in the same, shall be exempt from the provisions of this act, as to the examination and licensing of teachers. The officers of every school district which is or shall hereafter be organized in whole or in part in any incorporated city in this State where no special enactments shall exist in regard to the licensing of teachers shall have power to examine and license, or may require the county commissioner to examine and license teachers for such district and such license shall be valid in said district for the term of three years. All city schools having a superintendent employed by their respective boards of education shall be exempt from the provisions of this chapter as to the examination and licensing of teachers and as to the supervision of the schools in such city, but all such schools shall, through their proper officers, make such reports as the Superintendent of Public Instruction may require. Certain schools exempted, etc. Of city schools. Exempt from licensing of teachers, etc. To make reports.

SEC. 14. All acts or parts of acts conflicting with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 148.]

AN ACT to amend section ten of an act in relation to life insurance companies transacting business within this State, being general act number seventy-seven of the laws of one thousand eight hundred sixty-nine, approved March thirty, as amended by subsequent acts, being section four thousand two hundred twenty-five of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section ten of act number seventy-seven of the public

acts of eighteen hundred sixty-nine, as amended by subsequent acts, be amended so as to read as follows:

Company required to deposit \$100,000 with State Treasurer.

Nature and conditions of the deposit.

Penalty for taking insurance before deposit is made.

Insured entitled to recover premiums paid in such case.

Proviso. Companies having like deposits in other states may be admitted on certificate showing the same, etc.

\$50,000 being in bonds.

And claims of policy holders being made secure by law.

SEC. 10. No company organized or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section; and any person who shall solicit and obtain within this State applications for insurance upon lives, or issue policies of insurance upon lives, or contracts, guarantees, or pledges for the payment of annuities, or endowments to families, or representatives of policy or certificate holders, in any company not organized under the statutes of this State, before such securities are deposited shall be liable to a penalty of one hundred dollars for every application obtained, policy issued, or contract, guaranty, or pledge made, to be sued for and recovered in the name of the people, by the Attorney General or prosecuting attorney of the proper county, either by action for debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys before such securities are deposited, shall be entitled to recover the same back from such agent or, at his option, from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided, however,* That when, by the statutes of any other state, life insurance companies organized or doing business therein are required to keep on deposit with the state treasurer, or other state officer, securities for the protection of policy holders generally, and any such company shall furnish to the commissioner of insurance of this State the certificate of the proper officer of such other state, showing the amount and character of the securities so deposited with him, and it shall appear therefrom that the said securities are equal in market value and availability to one hundred thousand dollars, and that a portion equal in market value to fifty thousand dollars is of stock, or bonds of the United States, or of this State, or of any city or county in this State authorized by act of Legislature to issue the same, or of state, county or city bonds or stocks of the state where such company or association is organized, or of bonds and mortgages on improved real estate worth double the sum loaned thereon and it shall further appear from the laws of such other state that the securities so deposited are subject to be made available to satisfy judgments of policy holders in

any manner corresponding to that provided for the care of securities deposited under this act, the commissioner of insurance shall thereupon be authorized to issue to such company an authority or license to transact the business of life insurance within this State, without any such deposit of securities with the State Treasurer of this State as is above provided.

Approved June 19, 1891.

[No. 149.]

AN ACT to repeal an act entitled "An act known as act number one hundred and sixty-one, of the public acts of one thousand eight hundred and eighty-nine, to authorize the employment, fixing the compensation, and defining the duties of stenographers in the taking and transcribing of testimony in cases of examination of offenders before justices of the peace in the county of Saginaw, charged with felonies not triable before a justice of the peace."

SECTION 1. *The People of the State of Michigan enact,* Act repealed.
That an act known as act number one hundred and sixty-one, of the public acts of one thousand eight hundred and eighty-nine, to authorize the employment, fixing the compensation, and defining the duties of stenographers in the taking and transcribing of testimony in cases of examination of offenders before justices of the peace in the county of Saginaw, charged with felonies not triable before a justice of the peace, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved June 23, 1891.

[No. 150.]

AN ACT making appropriations for the Reform School for the years eighteen hundred and ninety-one, and eighteen hundred and ninety-two.

SECTION 1. *The People of the State of Michigan enact,* Appropriation.
That the sum of fifty-six thousand dollars for the year eighteen hundred and ninety-one, and the further sum of fifty-six thousand dollars for the year eighteen hundred and ninety-two, are hereby appropriated to defray the current expenses of the Reform School.

SEC. 2. The further sum of four thousand five hundred dollars for the following special purposes, is hereby Further appropriation. appropriated: For fence and sidewalks, one thousand dollars;

for maintenance of department of technology, one thousand five hundred dollars; for the enlargement of the chapel, two thousand dollars.

To be incorporated in tax of 1891-2.

SEC. 3. That the Auditor General shall add to and incorporate with the State tax the above mentioned sums for the year eighteen hundred and ninety-one, sixty thousand five hundred dollars, and for the year eighteen hundred and ninety-two, fifty-six thousand dollars, to be assessed, levied and collected as any other State taxes are assessed, levied and collected, which sums, when collected, shall be passed to the credit of the general fund to reimburse it for the sums appropriated by sections one and two of this act.

This act is ordered to take immediate effect.

Approved June 23, 1891.

[No. 151.]

AN ACT to amend section sixty of act number two hundred and fifty-eight of the public acts of the year one thousand eight hundred and eighty-seven, entitled "An act to regulate and govern the State House of Correction and branch of the State Prison in the Upper Peninsula," approved June twenty-seventh, one thousand eight hundred and eighty-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section sixty of act number two hundred and fifty-eight of the public acts of the year one thousand eight hundred and eighty-seven, entitled "An act to regulate and govern the State House of Correction and branch of the State Prison in the Upper Peninsula," approved June twenty-seventh, one thousand eight hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Rules for admission of visitors.

SEC. 60. It shall be lawful for the board to establish uniform rules for the admission of visitors within the prison, and they may prescribe a reasonable sum, not less than twenty-five cents, to be charged each individual for one admission: *Provided,* That no ticket of admission shall be sold to any person known to have served a term in this or any other prison, or to any person intoxicated or under the influence of liquor, or disorderly person, or to any person known to the prison officials or in police circles as a "crook," or prostitute. The warden shall procure suitable tickets, which shall be sold by the clerk, who shall keep an account of such sales and pay over the money received to the warden daily. The gate keeper at the prison entrance shall receive the tickets and shall deliver them to the warden each day before the prison is closed. It shall be the duty of the board to appropriate annually out of fees received from visitors the sum of five

Proviso.

Money received for admission, how disposed of.

hundred dollars for the purchase of books for said prison for the use of said convicts.

Approved June 23, 1891.

[No. 152.*]

AN ACT to amend sections one, eight, nine, twelve and fifteen of act number two hundred and seventy-six, of the public acts of eighteen hundred eighty-nine, entitled "An act for the protection of game."

SECTION 1. *The People of the State of Michigan enact,* Sections amended. That sections one, eight, nine, twelve and fifteen of act two hundred seventy-six, of the public acts of eighteen hundred and eighty-nine, entitled "An act for the protection of game," be and the same are hereby amended so as to read as follows:

SECTION 1. No person or persons shall pursue or hunt or kill any deer in this State save only from the first day of November to the first day of December inclusive in each year: *Provided*, That in the Upper Peninsula deer may be killed between the fifteenth day of September and the fifteenth day of October, only, in each year. When deer may be killed. Proviso as to Upper Peninsula.

SEC. 8. No person or persons shall kill or destroy by any means whatever, or attempt to kill or destroy, any wild turkey at any time except from the first day of November to the fifteenth day of December, inclusive, in each year. When wild turkey may be killed.

SEC. 9. No person or persons shall kill or destroy, or attempt to kill or destroy, any woodcock save only from the fifteenth day of August to the fifteenth day of December in each year. When woodcock may be killed.

SEC. 12. No person or persons shall kill, capture or destroy, or attempt to kill, capture or destroy, any ruffed grouse, sometimes called partridge, or pheasant, except from the first day of November to the fifteenth day of December, inclusive, in each year; [or] nor any colin or quail, sometimes called Virginia partridge, save only from the first day of November to the fifteenth day of December, inclusive, in each year: *Provided*, That in the Upper Peninsula, partridge, or ruffed grouse, may be killed from the first day of October to the first day of January, inclusive, in each year. When ruffed grouse, etc., may be killed. Proviso.

SEC. 15. No person or persons, shall at any time make use of any swivel or punt gun, sink boat or battery for the purpose of killing or attempting to kill, any wild duck or other wild water fowl, nor shall any person or persons molest, harass or annoy, any game bird during the closed season by any means whatever, nor shall any person or persons Use of swivel or punt gun prohibited.

*The difference between this and the next act relates to the time of killing deer, section one of this act being void, as explained by the following resolution:

Resolved by the House of Representatives (the Senate concurring), That in the volume of the public acts of 1891, an explanatory note be attached to the act which was passed by the Legislature as House file No. 428 stating that said bill was accidentally imperfect when presented to the Governor for his signature, and that the second act with the same title is the act legally enacted.

Adopted June 25, 1891.—*House Journal*, page 2099. [See next act.]

break, train or practice, any dog upon any game birds during the closed season.

Approved June 23, 1891.

[No. 152.*

AN ACT to amend sections one, eight, nine, twelve and fifteen of act number two hundred and seventy-six, of the public acts of eighteen hundred and eighty-nine, entitled "An act for the protection of game"

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, eight, nine, twelve and fifteen of act number two hundred and seventy-six, of the public acts of eighteen hundred and eighty-nine, entitled "An act for the protection of game," be and the same are hereby amended so as to read as follows:

When deer may be killed.

SECTION 1. No person or persons shall pursue, hunt or kill any deer in this State save only from the fifth day of November to the twenty-fifth day of November in each year: *Provided,* That in the Upper Peninsula deer may be killed between the twenty-fifth day of September and the twenty-fifth day of October [only] in each year.

Proviso as to Upper Peninsula.

When wild turkey may be killed.

SEC. 8. No person or persons shall kill or destroy, by any means whatever, or attempt to kill or destroy, any wild turkey at any time except from the first day of November to the fifteenth day of December, inclusive, in each year.

When woodcock may be killed.

SEC. 9. No person or persons shall kill or destroy, or attempt to kill or destroy, any woodcock save only from the fifteenth day of August to the fifteenth day of December in each year.

When ruffed grouse, etc, may be killed.

SEC. 12. No person or persons shall kill, capture or destroy, or attempt to kill, capture or destroy, any ruffed grouse, sometimes called partridge, or pheasant, except from the first day of November to the fifteenth day of December, inclusive, in each year; or any colin or quail, sometimes called Virginia partridge, save only from the first day of November to the fifteenth day of December, inclusive, in each year: *Provided,* That in the Upper Peninsula, partridge, or ruffed grouse, may be killed from the first day of October to the first day of January, inclusive, in each year.

Proviso.

Use of swivel or punt gun prohibited.

SEC. 15. No person or persons shall at any time make use of any swivel or punt gun, sink boat or battery for the purpose of killing, or attempting to kill, any wild duck or other wild water fowl, nor shall any person or persons molest, harass or annoy, any game bird during the closed season by any means whatever, nor shall any person or persons break, train or practice, any dog upon any game birds during the closed season.

Approved June 26, 1891.

* See note to previous act.

[No. 153.]

AN ACT to provide for the incorporation of subordinate camps of the Sons of Veterans.

SECTION 1. *The People of the State of Michigan enact,* May incorporate.
That any subordinate camp of the Sons of Veterans of the division of Michigan may be incorporated according to the provisions of this act.

SEC. 2. When any such subordinate camp by a two-thirds vote of the members present at any regular meeting shall resolve to become incorporated, the captain, first lieutenant, second lieutenant and first sergeant of such camp may make and execute under their hands and seals, articles of association which shall be acknowledged before some officer authorized by law to take acknowledgments of deeds, To make articles of association. and shall set forth: Contents of.

First, The names of the officers above mentioned and their Officers, etc. places of residence;

Second, The corporate name by which such association shall Name. be known in law;

Third, The object and purposes of such association, which Object, etc. shall be to promote the general welfare of the order known as the Sons of Veterans as a social, patriotic and fraternal organization, and the period for which it is incorporated, which shall not exceed thirty years.

SEC. 3. A copy of such articles of association shall be Articles to be filed, etc. filed with the Secretary of State and with the clerk of the county in which such camp is located, and thereupon the persons who shall have signed such articles of association, their associates and successors shall be a body politic and corporate and by the name expressed in such articles of association and by that name they and their successors shall have succession and shall be persons in law capable to purchase, take, receive, hold and enjoy to them and their successors, estates real and personal; of suing and being sued and to have a common seal, which may be altered and changed at pleasure: *Provided,* That the amount of the real and personal estate shall not exceed in value ten thousand dollars, and that they and their successors shall have power to give, grant, sell, lease, demise and dispose of said real and personal estate or any part thereof at their will and pleasure and the proceeds, rents and income to be disposed of in accordance with the direction of the camp by a two-thirds vote of all members in good standing at any regular meeting, previous notice having been given by personal or public notice of the intention of such camp to sell or dispose of any such real or personal property, or of any rights that they may have in and thereto. Said corporation shall have full power to make and establish rules and by-laws for regulating and governing all the May make rules, etc. affairs and business of said corporation not repugnant to Proviso as to property.

the laws of this State or of the United States, and to designate, elect or appoint from its members such officers under such name and style as shall be in accordance with the rules and regulations thus adopted.

Copy of record to be evidence, etc.

Subject to general law.

SEC. 4. A copy of the record of such articles of association under the seal of the State duly certified by the Secretary of State shall be received as *prima facie* evidence in all courts of this State, of the existence and due organization of such corporation.

SEC. 5. All corporations formed under this act shall be subject to the provisions of chapter one hundred and ninety-one of Howell's Annotated Statutes so far as the same may be applicable to corporations formed under this act.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 154.]

AN ACT to amend section ten of chapter three hundred and forty-two of Howell's Annotated Statutes of Michigan, as amended by act number one hundred and seventy-two of the session laws of one thousand eight hundred and eighty-five, relative to the Reform School.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section ten of chapter three hundred and forty-two of Howell's Annotated Statutes of Michigan, as amended by act number one hundred and seventy-two of the session laws of one thousand eight hundred and eighty-five, relative to the Reform School, be and the same is hereby amended so as to read as follows:

Age of those committed.

Certain offenders excepted.

Certificate of age, etc.

Proviso as to age, etc.

Proviso as to approval of sentence by circuit or probate judge.

SEC. 10. Every male person under the age of sixteen years and over the age of twelve years, who shall be convicted before any court or magistrate of competent jurisdiction, for any offense punishable by law by fine or imprisonment, or both, and who in the opinion of the court or magistrate, would be a fit subject for commitment to the Reform School, except in cases of offenses punishable by law by imprisonment for life, may be sentenced by such court or magistrate to the Reform School until he shall reach the age of seventeen years, or until discharged by law, and such court or magistrate shall certify to the superintendent of said Reform School the age of all persons committed, as near as can be ascertained, with cause of commitment, embracing all important facts connected therewith: *Provided,* That no person under the age of twelve years shall be sentenced to the Reform School as a juvenile disorderly person, or as a truant and disorderly person: *Provided further,* That all judgments and commitments, rendered and made under this act, by police courts and justices of the peace shall,

upon the reviewal by the proper circuit or probate judge of the proceedings and testimony taken or had on the trial, be approved; and that if such sentence be disapproved, such police court or justice is hereby authorized to pass sentence as in other cases provided by law.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 155.]

AN ACT making an appropriation for the maintenance and support of the Mining School at Houghton, in the county of Houghton, Michigan, for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two.

SECTION 1. *The People of the State of Michigan enact,* Appropriation.
That the sum of fifty-seven thousand six hundred dollars be and the same is hereby appropriated out of the general fund in the State treasury not otherwise appropriated, for the support and maintenance of the Mining School at Houghton, in the county of Houghton, Michigan; of which sum one-half shall be used during the year eighteen hundred and ninety-one and the remainder during the year eighteen hundred and ninety-two, for that purpose.

SEC. 2. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-one the sum of twenty-eight thousand eight hundred dollars, and for the year eighteen hundred and ninety-two the sum of twenty-eight thousand eight hundred dollars, to be assessed, levied and collected as other State taxes are assessed, levied and collected, which sums, when collected, shall be placed to the credit of the general fund to reimburse it for the sum appropriated by section one of this act. Tax for.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 156.]

AN ACT to regulate the interest of money on account, interest on money, judgments, verdicts, etc.

SECTION 1. *The People of the State of Michigan enact,* Legal rate of interest fixed.
That the interest of money shall be at the rate of six dollars upon one hundred dollars for a year, and at the same rate for a greater or less sum, and for a longer or shorter time, except that in all cases, it shall be lawful for the

Proviso.	parties to stipulate in writing, for the payment of any rate of interest not exceeding eight per cent per annum: <i>Provided</i> , That this act shall not apply to existing contracts whether the same be either due, not due, or part due.
Taking of usury not to void note, etc.	SEC. 2. No bond, bill, note, contract or assurance, made or given for or upon a consideration or contract, whereby or whereon a greater rate of interest has been, directly or indirectly, reserved, taken or received, than is allowed by law, shall be thereby rendered void; but in any action brought by any person on such usurious contract or assurance, except as is provided in the following section, if it shall appear that a greater rate of interest has been, directly or indirectly, reserved, taken or received, than is allowed by law, the defendant shall not be compelled to pay any interest thereon.
Interest forfeited in case of usury.	
When courts to declare interest void.	SEC. 3. Whenever it shall satisfactorily appear by the admission of the defendant, or by proof that any bond, bill, note, assurance, pledge, conveyance, contract, security, or any evidence of debt has been taken or received in violation of this act, the court shall declare the interest thereon to be void.
Repealing clause.	SEC. 4. All acts or parts of acts contravening the provisions of this act are hereby repealed. Approved June 24, 1891.

[No. 157.]

AN ACT for the relief of the Supreme Court by authorizing the justices thereof to employ clerical help, and appropriating money to pay for the same.

Clerical help authorized.	SECTION 1. <i>The People of the State of Michigan enact</i> , That each of the justices of the Supreme Court be and is hereby authorized to employ necessary clerical help to assist him in the performance of such clerical work in connection with his office as he may deem expedient, not exceeding an expense aggregating eight hundred dollars for each justice in any one year.
Expense of.	
How paid, etc.	SEC. 2. Such help shall be paid by the Auditor General on a bill rendered by the person so employed and the certificate of either of said justices that the work charged for has been performed for the State of Michigan at the request of such justice.
Appropriation for, etc.	SEC. 3. That there be and the same is hereby appropriated out of moneys in the treasury to the credit of the general fund, and not otherwise appropriated, for the year one thousand eight hundred and ninety-one and each year thereafter, the sum of four thousand dollars for the purpose of paying the clerical help provided for in section one of this act: <i>Provided</i> , That any money hereby appropriated
Proviso.	

for any year and not used shall at the end of such year be transferred by the treasurer to the credit of the general fund.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 158.]

AN ACT to prevent the spread of the yellows, a contagious disease, among peach, almond, apricot and nectarine trees, and to provide measures for the eradication of the same, and to repeal act thirty-two of the session laws of eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact,* Unlawful to keep trees infected with disease or sell the fruit.
That it shall be unlawful for any person to keep any peach, almond, apricot, plum, prune, cherry or nectarine tree, infected with the contagious diseases known as the yellows or black knot, or to offer for sale or shipment, or to sell or ship to others any of the fruit thereof; that both tree and fruit so infected shall be subject to destruction as public nuisances as hereinafter provided, and no damages shall be awarded in any court in the State for entering upon premises and destroying such diseased trees or parts of trees and fruit if done in accordance with the provisions of this act; and it shall be the duty of every person, as soon as he becomes aware of the existence of such disease in any tree, parts of trees or fruit owned by him, to forthwith destroy or cause said trees or fruit to be destroyed. Trees and fruit to be destroyed.

SEC. 2. In any township in this State in which such contagious disease exists, or in which there is good reason to believe it exists, or danger may be justly apprehended of its introduction, as soon as such information becomes known to the township board or any member thereof, it shall [be] by the duty of said board to appoint forthwith three competent freeholders of said township as commissioners, who shall hold office during the pleasure of said board, and such order of appointment and of revocation shall be entered at large upon the township records. Duty of township board to appoint commissioners.

SEC. 3. It shall be the duty of said commissioners, within ten days after appointment as aforesaid, to file their acceptances of the same with the clerk of said township, and said clerk shall be *ex officio* clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for the purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said township. Commissioners to file acceptance. Township clerk to be clerk of board.

Duty of commissioners.	<p>SEC. 4. It shall be the duty of the commissioners or any one of them upon or without complaint, whenever it comes to their notice that either of the diseases known as yellows or black knot, exist, or is supposed to exist, within the limits of their townships, to proceed without delay to examine the tree or fruit supposed to be infected, and if the disease is found to exist, a distinguishing mark shall be placed upon the diseased trees and the owner notified personally, or by a written notice left at his usual place of residence, or if the owner be a non-resident, by leaving the notice with the person in charge of the trees or fruit, or the person in whose possession said trees or fruit may be. The notice shall contain a simple statement of the facts as found to exist, with an order to effectually uproot and destroy, by fire, or as the commissioner shall order, the trees so marked and designated, or such parts thereof within ten days, Sundays excepted, from the date of the service of the notice; and in case of trees known as nursery stock, or fruit so infected, such notice shall require the person in whose possession or control it is found to immediately destroy the same, or cause it to be done, said notice and order to be signed by the full board of commissioners.</p>
To mark trees and notify owner.	
What notice shall contain.	
Duty of commissioners on neglect of owner to destroy trees, etc.	<p>SEC. 5. Whenever any person shall refuse or neglect to comply with the order to remove and destroy the tree, or parts of trees so designated and marked by the commissioners as aforesaid, it shall become the duty of the commissioners to cause said tree, or parts of trees to be removed and destroyed forthwith, employing all necessary aid for that purpose. The expenses for such removal and destruction of trees, or parts of trees, to be a charge against the township, and for the purpose of said removal and destruction, the said commissioners, their agents and workmen, shall have the right and power to enter upon any and all premises within their township.</p>
Expense a township charge, etc.	
Penalty for neglecting to destroy trees, etc.	<p>SEC. 6. If any owner neglects to uproot and destroy, or cause to be removed and destroyed as aforesaid, such diseased tree, or parts of trees or fruit, after such examination and notification, and within the time hereinbefore specified, such person shall be deemed guilty of a misdemeanor, and punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court; and any justice of the peace of the township where such trees may be, or where such nursery stock or fruit is sold, shipped, disposed of or delivered as aforesaid, shall have jurisdiction thereof. The words "parts of trees," wherever used in this act shall refer to the black knot only and not to trees affected with the yellows.</p>
Compensation of commissioners, etc.; how paid.	<p>SEC. 7. The commissioners shall be allowed for services, under this act, two dollars for each full day and one dollar for each half day, and their other charges and disbursements hereunder, to be audited as well as any other charges and</p>

disbursements under this act, by the township board, all of which costs, charges, expenses and disbursements, may be recovered by the township from the owner of said diseased fruit, or from the owner of the premises on which said diseased trees stood, in an action of assumpsit. May be recovered from owner.

SEC. 8. All of act number one hundred and seventy-four of the public acts of eighteen hundred and eighty-one, be and the same is hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 159.]

AN ACT to regulate the taking and catching of fish in the inland lakes of this State.

SECTION 1. *The People of the State of Michigan enact,* That it shall not be lawful for any person to take, catch or kill, or attempt to take, catch or kill, any fish in any of the inland lakes in this State with any kind of spear or grap-hook, or by the use of jacks or artificial light of any kind, or by the use of set lines or night lines, or any kind of net, or any kind of fire-arms, or explosive, or other device except the hook and line. Unlawful to fish in inland lakes except with hook and line, etc.

SEC. 2. In all prosecutions under this act it shall be *prima facie* evidence, on the part of the people, of the violations of the provisions of this act, to show that the defendant was found upon the waters of said lakes with spear, net, trap net, set lines, jack or artificial light of any kind, or with dynamite, giant powder, or any other explosive substance or combination of substances. What to be evidence of violation of act.

SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed twenty-five dollars and costs of prosecution, or imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this act shall not operate to repeal any local acts heretofore passed relative to the same subject. Penalty for violation, etc. Proviso.

Approved June 24, 1891. .

[No. 160.]

AN ACT to require all gravel and plank road companies doing business in the State to cut and destroy all noxious weeds growing on lands occupied by them.

SECTION 1. *The People of the State of Michigan enact,* That all gravel or plank road companies doing business in When must cut noxious weeds.

this State shall, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August and the first day of September in each year, cause all noxious weeds growing on the lands occupied by them in any village or organized township of this State, to be cut down and destroyed.

Penalty for neglect to cut, etc.

How suit brought, etc.

When highway officers to cut, etc.

Charges for, etc.

SEC. 2. In case any gravel or plank road company shall refuse or neglect to comply with the requirements specified in the first section of this act, it shall be liable in a penalty of twenty-five dollars, to be prosecuted for in action of debt by any person feeling himself aggrieved. Said suit may be brought before any justice of the peace of the county, who shall require of the complainant surety to pay the costs in case he fails to maintain his action. Summons may be served on any agent or officer of the company.

SEC. 3. In case any such gravel or plank road company shall refuse or neglect to comply with the requirements specified in the first section of this act, then it shall be lawful for any highway officer or commissioner to cut or cause to be cut said noxious weeds, between the first and fifth days of July, inclusive, and between the first and fifth days of September, inclusive, in each year, at the expense of the corporation on whose lands said noxious weeds shall be cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this State.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 161.]

AN ACT to amend section three of act number two hundred and seven, laws of eighteen hundred and eighty-one, being chapter two hundred and sixty-nine of the compiled laws of eighteen hundred and seventy-one, and section nine thousand eight hundred and forty-five of Howell's Annotated Statutes, relative to the Detroit House of Correction.

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That section three of act number two hundred and seven of the laws of eighteen hundred and eighty-one, being chapter two hundred and sixty-nine of the compiled laws of eighteen hundred and seventy-one, and section nine thousand eight hundred and forty-five of Howell's Annotated Statutes, relative to the Detroit House of Correction, be and the same is hereby amended to read as follows:

Board may adopt rules, appoint superintendent, officers, guards, etc.

SEC. 3. The board of inspectors of the Detroit House of Correction, as provided for in act number two hundred and seven of the public acts of eighteen hundred and eighty-

one, are hereby authorized and empowered to establish and adopt rules for the regulation and discipline in said House of Correction and to appoint a superintendent thereof, whose term of office shall be three years, the salary to be fixed by said board and not to exceed four thousand dollars, and the appointment to be made at least three months before the expiration of the term then pending, and to fix the compensation of the subordinate officers, guards, and employés, who shall be appointed by the superintendent, and prescribe their duties not otherwise prescribed by law, and to make all rules and regulations in relation to the management and government thereof as they shall deem expedient. But no appropriation of moneys shall be made by said board of inspectors for any other purpose than the necessary expenses and for the repairs of said institution from damages which may occur to the property known as the Detroit House of Correction, and from ordinary wear and usage of the same without the sanction of the common council by a vote of the majority of the aldermen elect in said city at some regular meeting subsequent to the meeting in which such appropriation shall have been presented to said common council.

Appropriations,
how made, etc.

All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repealing
clause.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 162.]

AN ACT to amend section thirty-two of act number one hundred and thirteen of the public acts of one thousand eight hundred seventy-seven, entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting and manufacturing iron, copper, silver, mineral coal, and other ores and minerals, and to fix the duties and liabilities of such [corporations] corporation," being section four thousand one hundred and seven of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* That section thirty-two of act number one hundred and thirteen of the public acts of eighteen hundred seventy-seven, entitled "An act to revise the laws providing for the incorporation of companies for mining, smelting and manufacturing iron, copper, silver, mineral coal, and other ores and minerals and to fix the duties and liabilities of such corporations," being section four thousand one hundred and seven of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

Section
amended.

Annual report.	SEC. 32. It shall be the duty of the president and secretary of each corporation annually, in the month of July, to make a report for the preceding year, ending December thirty-first, containing a statement of:
Contents of.	<p><i>First</i>, The amount of cash paid in on the capital stock;</p> <p><i>Second</i>, The amount of capital paid in by the conveyance of property to the corporation;</p> <p><i>Third</i>, The entire amount invested in real estate;</p> <p><i>Fourth</i>, The amount of personal estate;</p> <p><i>Fifth</i>, The amount of the unsecured or floating debt of the corporation as near as may be;</p> <p><i>Sixth</i>, The amount of the secured or bonded debt of the corporation;</p> <p><i>Seventh</i>, The amount due to the corporation;</p> <p><i>Eighth</i>, The number of gross tons of copper obtained;</p> <p><i>Ninth</i>, The number of gross tons of two thousand two hundred and forty pounds each of iron ore mined and shipped;</p> <p><i>Tenth</i>, The number of gross tons of mineral coal mined;</p> <p><i>Eleventh</i>, The number of gross tons of pig iron manufactured;</p> <p><i>Twelfth</i>, The number of tons of any other mineral or ore mined;</p> <p><i>Thirteenth</i>, The amount of slate or stone mined;</p> <p><i>Fourteenth</i>, The name and residence of each stockholder of record, and the number of shares held by him on the said thirty-first day of December; and when stock is held in trust, or in some representative capacity, it shall be so stated.</p> <p>This act is ordered to take immediate effect.</p> <p>Approved June 25, 1891.</p>

[No. 163.]

AN ACT to amend section five of act number one hundred and eleven, of the public acts of one thousand eight hundred eighty-nine, being an act entitled "An act to protect fish and to regulate fishing in the waters of this State, by providing close seasons for certain kinds of fish, by prohibiting the catching of fish in certain specified ways, by prohibiting the catching of fish of certain sizes and in certain waters and for certain purposes, by prohibiting the [obstruction] obstructing of the free passage of fish, and by prohibiting the sale of certain kinds of fish, to protect persons engaged in fish culture, and to repeal inconsistent acts."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of act number one hundred and eleven, of the public acts of eighteen hundred eighty-nine, be and the same is hereby amended so as to read as follows:

SEC. 5. It shall be unlawful for any person or persons to take or catch, or attempt to take or catch, any fish at any time with seines, pound nets, gill nets or any species of nets, in any of the waters of this State, except lakes Michigan, Superior, Huron and Erie, and the bays and harbors connected with said lakes, Saginaw bay and the Sault Ste. Marie, St. Clair, Saginaw and Detroit rivers. It shall be unlawful for any person to take, catch or kill any fish in any manner whatever, except by hook and line, in the St. Clair river below the village of Algonac, in St. Clair county, or in any of the channels through which the said river empties into Lake St. Clair, or in any of the bays, channels or other waters known as the St. Clair Flats, and that part of Lake St. Clair lying north, northeast, and east of a line drawn from the south end of the United States ship canal at the mouth of the south or main ship channel to the mouth of the Clinton river: *Provided, however,* That the use of dip nets in catching mullet, red sides and suckers shall not be unlawful: *And provided further,* That it shall be unlawful to catch mullets, red sides, sturgeons and suckers in that part of the St. Joseph river lying in the county of Berrien, with nets, during the months of March and April in each year.

Unlawful to fish in certain manner in certain lakes.

Proviso.

Further proviso.

This act is ordered to take immediate effect.

Approved June 25, 1891.

[No. 164.]

AN ACT to amend section two of act number eighteen of the public acts of one thousand eight hundred and sixty-nine, entitled "An act to provide for paying expenses authorized to be incurred by the Legislature," approved February twenty-fourth, one thousand eight hundred and sixty-nine, the same being section sixty-seven of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That section two of act number eighteen of the public acts of one thousand eight hundred and sixty-nine, entitled "An act to provide for paying expenses authorized to be incurred by the Legislature," approved February twenty-fourth, one thousand eight hundred and sixty-nine, the same being section sixty-seven of Howell's Annotated Statutes of Michigan, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 2. Any committee of either branch of the Legislature visiting any State institution or other place where such visit is authorized by either branch of the Legislature, shall be paid only actual and necessary expenses. The presiding officer of the branch of the Legislature to which the members of any such committee may belong, shall direct the clerk or

Expenses of committees.

How paid.

secretary as the case may be, to draw a certificate in favor of such members for such expenses, in the usual form of certificates for the payment of members of the Legislature, and upon the presentation to the State Treasurer of any such certificate, properly signed, he shall pay the same, out of any moneys in the treasury to the credit of the general fund.

Approved June 26, 1891.

[No. 165.]

AN ACT making an appropriation for the building of one colony house and making necessary improvements at Michigan Asylum for the Insane.

Appropriation; purposes of. SECTION 1. *The People of the State of Michigan enact,* That there be and is hereby appropriated out of the State treasury to the Michigan Asylum for the Insane the sum of seventeen thousand six hundred dollars to be expended as follows: For one colony house, twelve thousand five hundred dollars; for fire protection, three thousand five hundred dollars; for repairs of stone porch, six hundred dollars; for slaughter house, cold storage house, barn, hog-pens, meat wagon, and implements, five hundred dollars; for books and pictures, five hundred dollars.

How money drawn, etc. SEC. 2. That the money appropriated hereby may be drawn from the State treasury, upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary. The sum thus appropriated shall be expended only for the purpose specified in this act.

To be incorporated in tax of 1891. SEC. 3. The Auditor General is hereby authorized to incorporate the sum of seventeen thousand six hundred dollars in the State tax for eighteen hundred ninety-one and, when collected, place the same to the credit of the general fund.

This act is ordered to take immediate effect.

Approved June 26, 1891.

[No. 166.]

AN ACT for the protection of fish in the lakes and streams of the county of St. Joseph, State of Michigan, for a period of two years from and after the passage of this act.

Unlawful to fish in certain manner in St. Joseph Co. SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful to catch, kill or destroy any fish with seines or with any species of continuous nets, or with

any form of spears or grap-hooks, or with any description of fire-arms, or by dynamite or any other explosives, in any of the lakes and streams, of the county of St. Joseph, in the State of Michigan, for a period of two years from and after the passage of this act: *Provided*, It shall be lawful to catch minnows with small nets for bait: *And provided further*, That it shall be lawful to catch fish with a hook and line.

Term of prohibition.

Proviso.

SEC. 2. Any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, be liable to a fine of not over one hundred dollars, or by imprisonment in the county jail not more than sixty [days] day, or by both such fine and imprisonment in the discretion of the court.

Penalty for violating act.

SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved June 26, 1891.

[No. 167.]

AN ACT providing for the erection of a cottage for patients, for additional fire protection, for repairs to roofs and for enlarging the electric light plant at the Northern Michigan Asylum, Traverse City, Michigan, and making appropriations therefor.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is appropriated out of the State treasury the sum of fifteen thousand dollars for the erection, fitting and furnishing of one cottage building for patients; three thousand five hundred dollars for repairs to roofs of main building; six thousand dollars for the construction of a reservoir and making necessary connections between the same and the asylum fire mains and hydrants for fire protection; and two thousand dollars for one electric light dynamo and one engine for lighting above cottage; which said sums embraced in this section shall be paid in the year eighteen hundred and ninety-one.

Appropriation; purposes of.

SEC. 2. The moneys hereby appropriated may be drawn from the State treasury upon the warrant of the Auditor General, in such sums and at such times as shall be made to appear to him necessary. The sums thus appropriated shall be expended only for the purposes specified in this act, and their receipts and disbursements shall be accounted for by duplicate vouchers and monthly accounts current, as provided by act number one hundred and forty-eight of the laws of eighteen hundred and seventy-three.

How moneys drawn.

To be accounted for, etc.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and ninety-one, the sum of twenty-six thousand five hundred dollars, to

To be incorporated in tax of 1891.

be assessed, levied and collected as other State taxes are assessed, levied and collected, which, when collected, shall be passed to the credit of the general fund to reimburse the same for moneys appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved June 26, 1891.

[No. 168.]

AN ACT to divide the State of Michigan into twelve congressional districts.

State divided in-
to twelve dis-
tricts.

Enumeration of
districts.

SECTION 1. *The People of the State of Michigan enact,* That this State shall be divided into twelve congressional districts pursuant to a ratio of representation fixed by an act of Congress for the year one thousand eight hundred and ninety-one for the apportioning anew of the representatives among the several States, and each district shall be entitled to elect one representative, the districts to be constituted and numbered as follows, to wit:

First, The first district shall consist of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, and fifteenth wards of the city of Detroit;

Second, The second district shall consist of the counties of Jackson, Lenawee, Washtenaw and Monroe, and the townships of Plymouth, Canton, Van Buren, Romulus, Sumpter, Huron, Brownstown, Monguagon, Taylor and Ecorse, and the city of Wyandotte in Wayne county;

Third, The third district shall consist of the counties of Hillsdale, Branch, Calhoun, Kalamazoo and Eaton;

Fourth, The fourth district shall consist of the counties of St. Joseph, Cass, Berrien, Van Buren, Allegan and Barry;

Fifth, The fifth district shall consist of the counties of Ottawa, Kent and Ionia;

Sixth, The sixth district shall consist of the counties of Ingham, Livingston, Genesee and Oakland, the townships of Livonia, Nankin, Dearborn, Redford, Springwells and Greenfield in the county of Wayne, and the twelfth, fourteenth and sixteenth wards of the city of Detroit;

Seventh, The seventh district shall consist of the counties of Huron, Sanilac, Lapeer, St. Clair and Macomb, and the townships of Grosse Point and Hamtramck in Wayne county;

Eighth, The eighth district shall consist of the counties of Tuscola, Saginaw, Shiawassee and Clinton;

Ninth, The ninth district shall consist of the counties of Muskegon, Newaygo, Oceana, Mason, Lake, Wexford, Manistee, Benzie, Leelanau and Manitou;

Tenth, The tenth district shall consist of the counties of

Bay, Midland, Gladwin, Arenac, Ogemaw, Iosco, Alcona, Oscoda, Crawford, Montmorency, Alpena, Presque Isle, Cheboygan, Emmet and Otsego;

Eleventh, The eleventh district shall consist of the counties of Montcalm, Gratiot, Isabella, Mecosta, Osceola, Clare, Roscommon, Missaukee, Kalkaska, Grand Traverse, Antrim and Charlevoix;

Twelfth, The twelfth district shall consist of the counties of Delta, Schoolcraft, Chippewa, Mackinac, Ontonagon, Marquette, Menominee, Dickinson, Baraga, Houghton, Keweenaw, Isle Royal, Alger, Luce, Iron and Gogebic.

Approved June 26, 1891.

[No. 169.]

AN ACT to provide for a central board of control which shall have the management and control of the State Public School at Coldwater, the Michigan School for the Blind at Lansing, and the Michigan School for the Deaf at Flint, to prescribe the powers of said board, to abolish the present boards of said institutions, and to repeal all laws inconsistent with the provisions of this act.

SECTION 1. *The People of the State of Michigan enact*, That the State Public School at Coldwater, the Michigan School for the Blind at Lansing, and the Michigan School for the Deaf at Flint, in the State of Michigan, shall hereafter be under the management and control of one board to be known by the name and style of the "Central Board of Control of State Institutions," the members of which shall be a body corporate, be capable of suing and being sued in the courts of this State, may adopt and use a common seal and alter the same at pleasure, and as such corporation may take and hold by purchase or otherwise, both real and personal estate to be applied to the use of any of the institutions named in this act to which the same may properly appertain.

SEC. 2. Said board shall consist of four members and the Governor of this State, who shall be *ex officio* a member and president thereof. Of said members one shall be a resident of the county of Ingham, one a resident of the county of Genesee, and one a resident of the county of Branch. Said members shall be at all times subject to removal by the Governor or Legislature. The first members of said board shall be appointed by the Governor and shall hold said office from and after their appointment as follows: One for the term of two years, one for the term of four years, one for the term of six years, and one for the term of eight years, as may be designated by the Governor at the time of appointment. Said appointments shall

Certain institutions to be under one board, etc.

To be body corporate, etc.

Number of members.

Residence of members.

Appointment, term, etc.

	be made within fifteen days after this act shall take effect. The successors of said first members of said board shall, at the expiration of said several terms, be appointed by the Governor by and with the advice and consent of the Senate for the full term of eight years. In case of a vacancy in the membership of said board the same shall be filled by appointment by the Governor and the appointee shall hold his office until the next regular session of the Legislature and until a successor shall be appointed by the Governor and confirmed by the Senate. Before entering upon the discharge of their duties and within ten days after receiving notice of their appointment each member of said board, except the Governor, shall take and subscribe the constitutional oath of office before some notary public and file the same with the Secretary of State.
Vacancies.	
Oath, etc.	
Compensation, etc.	SEC. 3. The members of said board, except the Governor, shall each receive compensation at the rate of three dollars per day for the time actually and necessarily spent in the affairs of said board, together with their actual and necessary expenses incurred while employed in the affairs of said board. Such compensation and expenses shall be stated in an itemized account under oath and when approved by the Governor shall be paid by the State Treasurer on the warrant of the Auditor General out of any money in the treasury not otherwise appropriated.
Board to appoint officers, etc.	SEC. 4. The officers, agents and employes of each of the institutions so under the management and control of said board shall be appointed by said board, by a majority of the members thereof, and shall hold their respective offices and positions during the pleasure of said board, but the superintendent of any of said institutions shall be subject to removal at any time by the Legislature, and shall consist of a superintendent and such assistant superintendents, matrons, agents, chaplains, physicians, surgeons and other employes as said board shall from time to time determine necessary for the proper management of the several institutions.
Removal of Supt. by Legislature.	Said appointees shall perform such duties and receive such compensation as the board shall from time to time by a majority thereof prescribe. Said superintendent shall reside at the institution to the superintendency of which he shall have been appointed, in furnished apartments assigned him by the board, and shall be entitled, free of charge, to food, fuel and light for himself, family and such guests as visit him on business connected with the institution.
Duties, etc.	
Superintendent.	
Organization of board.	SEC. 5. Within twenty days after their appointment, the members of said board shall meet at the capitol in the city of Lansing at such time and place as the Governor shall designate and organize by electing from their number a secretary and treasurer, who shall hold their respective offices during the pleasure of the board or until the expiration of their respective terms as members of said board. The successors of said secretary and treasurer shall be elected at

such times and in such manner as the board may determine. The secretary shall keep a full and correct record of the proceedings of said board and make out, furnish and transmit such reports and perform such other duties as may be prescribed by law and the rules and regulations of said board. The treasurer before entering upon the duties of his office shall give a bond to the people of the State of Michigan, with two or more sureties to be approved by the Governor in such sum as the board shall direct, conditioned for the faithful performance of all duties required of him by law and the rules and regulations of said board and to promptly and faithfully account for, disburse and pay over as required by law and said rules and regulations, all moneys received by him as such treasurer. Said bond shall be filed with the Secretary of State.

Records to be kept.

Bond of treasurer.

SEC. 6. Said board, as soon as may be after its organization, shall meet at least once at each of the institutions hereby placed under its control and make all necessary appointments contemplated by this act and also adopt a complete system of rules and regulations for the government of such institution. Thereafter the regular meetings of said board shall be once every three months at each of said institutions and on such days as the board may determine by resolution: *Provided, however,* That said board shall hold one regular meeting each month at one of said institutions. The board shall hold special meetings for the transaction of business relative to any of said institutions whenever notified by the Governor or called by a majority of the members of the board.

Board to meet and adopt rules, etc.

Proviso.

SEC. 7. The superintendent of each of said institutions shall have the general charge and supervision thereof under said board and in accordance with the rules and regulations thereof and any law of this State, all of which he shall cause to be strictly observed and complied with by all the appointees and inmates of said institution. He shall, before entering upon the duties of his office, make and file with the Secretary of State his bond to the people of the State of Michigan, with sureties to be approved by the Governor and in such sum as said board shall direct, conditioned for the faithful performance of all his duties and a strict compliance with and enforcement of all such rules and regulations as shall be made by said board and for the faithful care, custody and disposition of all money and property of every nature pertaining to said institution which shall come into his possession or under his control as such superintendent during his incumbency of said office, and that at the expiration thereof he will faithfully account to said board therefor.

Duties of Superintendent.

Bond.

SEC. 8. All moneys drawn from the State treasury for the use of the several institutions named in this act shall be upon the warrant of the treasurer of said board indorsed by the secretary thereof and approved by the

How moneys drawn, etc.

	Auditor General. Money appropriated for the use of said institutions shall be paid over to the several superintendents thereof upon monthly estimates of the superintendent filed with the treasurer of said board, but only upon exhibiting to said treasurer vouchers showing the proper disbursement of all money received during the previous month.
How books to be kept, etc.	SEC. 9. The superintendent of each of the institutions named in this act, under the direction of said board, shall cause the books of the institution to be so kept as to clearly show the actual condition of the institution in all its departments. He shall make quarterly statements to the board which shall specify in detail all receipts and expenditures. Proper vouchers in duplicate shall be taken by him for each expenditure, one of which shall accompany each quarterly statement, the other to be kept on file at the institution. Said quarterly statements with the voucher attached, after inspection and approval by the board, shall be filed with the Auditor General.
Statements.	
Vouchers.	
To be filed.	
Biennial reports.	SEC. 10. Said board shall make biennial reports to the Governor containing full information regarding the condition of the several institutions under its control, which reports together with such recommendations as said board may deem proper shall be submitted to the Legislature by the Governor.
Certain institutions subject to general law, etc.	SEC. 11. The said State Public School at Coldwater, the Michigan School for the Blind at Lansing, and the Michigan School for the Deaf at Flint, shall remain subject to the provisions of chapters forty-four, forty-five and fifty of Howell's Annotated Statutes and the acts amendatory thereof respectively and all other laws of this State applicable thereto not inconsistent with the provisions of this act.
Certain boards abolished.	SEC. 12. Upon the organization of said central board of control of State institutions as herein provided the board of trustees of the Michigan School for the Deaf, the board of control of the Michigan School for the Blind and the board of control of the State Public School shall be and hereby are declared abolished and all property and effects of every nature in the hands of said several boards or of any of the members thereof pertaining to any of said institutions shall be turned over to said central board of control of State institutions.
Repealing clause.	SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.
	Approved June 26, 1891.

[No. 170.]

AN ACT to prohibit the spearing of fish in any of the waters within Newaygo county, State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That hereafter it shall not be lawful for any person to spear

Unlawful to spear fish in Newaygo county.

any fish in any lake, river, pond, creek or other waters within the county of Newaygo, in the State of Michigan.

SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, before a court of competent jurisdiction, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

Violation a misdemeanor.

Penalty.

This act is ordered to take immediate effect.

Approved June 29, 1891.

[No. 171.]

AN ACT to make an appropriation for the support of the State Agricultu-[ral] College, for the erection and repair of buildings and other improvements at said college.

SECTION 1. *The People of the State of Michigan enact,* That there shall be and is hereby appropriated out of the State treasury, four thousand five hundred dollars for the rebuilding of the greenhouse; seven hundred dollars for heating the south half of college hall; five hundred dollars for the heating of the horticultural laboratory; seven hundred and fifty dollars for permanent heating apparatus; twenty-one hundred dollars for the farm department; fifteen hundred dollars for the mechanical department; five hundred and seventy dollars for the horticultural department; five hundred and thirty dollars for the greenhouse; five hundred dollars for the botanical department; one hundred dollars for the veterinary department; five hundred dollars for the chemical department; five hundred dollars for the physical department; seven hundred dollars for the zoological department; two thousand forty-five dollars for the steam works department; two hundred dollars for the mathematical and engineering department; one hundred and fifty dollars for the English department; five hundred dollars for the military department; two thousand dollars for the library; two hundred and fifty dollars for the drafting department; seven thousand eight hundred dollars for the repair of buildings, steam and water-works; eight thousand dollars for student labor; fifteen hundred dollars for farmers' institutes; ten thousand dollars to replace botanical laboratory; a total of forty-five thousand eight hundred and ninety-five dollars, of which one-half shall be paid in the year one thousand eight hundred and ninety-one, and one-half in the year one thousand eight hundred and ninety-two, which said moneys provided for in this act, or so much thereof as may be necessary, shall be expended under the direction of the State board of agriculture for the purposes aforesaid, and shall be drawn from the treasury on presentation of the proper certificate

Appropriation; purposes.

How expended.

of said board to the Auditor General and on his warrants to the State Treasurer.

To be in taxes of
1891-2.

SEC. 2. There shall be assessed upon the taxable property of the State in the year one thousand eight hundred and ninety-one the sum of twenty-two thousand nine hundred and forty-seven dollars and fifty cents, and in the year one thousand eight hundred and ninety-two the sum of twenty-two thousand nine hundred and forty-seven dollars and fifty cents, to be assessed and levied in like manner as other taxes are assessed, levied and paid, which tax when collected shall be credited to the general fund to reimburse the same for the sums to be drawn therefrom as provided for in this act.

This act is ordered to take immediate effect.

Approved June 29, 1891.

[No. 172.]

AN ACT making an appropriation for additional power, machinery, lumber, furnishings, and general repairs at the State House of Correction and Reformatory at Ionia.

Appropriation;
purposes.

SECTION 1. *The People of the State of Michigan enact,* That the sum of nineteen thousand nine hundred and eighty dollars be and the same is hereby appropriated out of the general fund, for the following named purposes at the State House of Correction and Reformatory at Ionia: For repairs of dry kiln, floor of shop, elevator and inmate dining room floor, two thousand three hundred dollars; for machinery to replace worn out machinery in several departments, three thousand six hundred and eighty dollars; for sixteen piers to support building and machinery, four hundred dollars; for one double iron gate and iron for railroad track in yard, six hundred and fifty dollars; for furnishings of administration and inmate kitchen and internal repairs of administration building, one thousand five hundred dollars; for stationery, printing, blanks, books and for library, nine hundred and fifty dollars; for general repairs, whole institution, four thousand five hundred dollars; for the introduction of new industries, other than those already in operation, six thousand dollars; but this sum, six thousand dollars, shall be used as far as practicable, in the carrying on of industries which employ the largest amount of hand labor.

How paid.

SEC. 2. That the sums appropriated by this act, shall be passed to the credit of the State House of Correction and Reformatory at Ionia, and paid to its treasurer or other responsible officer upon the requisition of the board of managers at such times and in such amounts as it may be made to appear to the Auditor General to be necessary.

To be incorporated in tax of
1891.

SEC. 3. That the aggregate sum appropriated by this act, shall be added to and incorporated with the tax for the year

eighteen hundred and ninety-one by the Auditor General, and when collected passed to the credit of the general fund.

This act is ordered to take immediate effect.

Approved June 30, 1891.

[No. 173.]

AN ACT to provide for the incorporation of orders of the Sons of St. George.

SECTION 1. *The People of the State of Michigan enact,* Who may incorporate.
That any number of persons of English birth, who may now or hereafter be residents of this State, or the descendants of such persons in the first or second degree, may be incorporated in pursuance of the provisions of this act.

SEC. 2. Any ten or more residents of this State, being Articles of association.
of English birth, or their descendants, as aforesaid, desiring to become incorporated, may make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of Contents of.
deeds, and shall set forth:

First, The names of citizens associating, and their place Names.
of residence;

Second, The location of the association of which they are Location.
members;

Third, The corporate name by which such association shall Corporate name.
be known in the law: *Provided,* That each association incor- Provide.
porated under this act shall be known as "Order Sons of St. George" of the name of the city or township where such association is located, and if more than one [such] association is located in the same city or township, the same shall be designated by number;

Fourth, The object and purpose of such association, which Object, etc.
shall be to provide for the relief of distressed members and their families, provided such distress is not occasioned by drunkenness or crime, the visitation of the sick, the burial of the dead, and to aid and assist the widows and orphans of deceased members, and in the discretion of the lodge to relieve and advise distressed immigrants and others from that part of Great Britain south of the Tweed, and the isles adjacent thereto, and their sons and grandsons. The period for which such association shall be incorporated shall not exceed thirty years.

SEC. 3. A copy of said articles of association shall be Copy to be filed with county clerk, etc.
filed with the county clerk of the county in which such corporation shall be formed, and shall be recorded by such clerk in a book to be kept in his office for that purpose, and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be

a body politic and corporate by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be citizens in the law capable of suing and being sued, and they and their successors may have a common seal, and the same may change and alter at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in all courts in this State, of the existence and due incorporation of such corporation.

May hold real and personal estate.

Proviso as to value, etc.

SEC. 4. Every corporation formed in pursuance of this act shall be capable, in its corporate name, of purchasing, taking, receiving, holding and enjoying to itself estates both real and personal: *Provided*, That the value of such real and personal estate shall not exceed the sum of one hundred thousand dollars, and that they and their successors shall have full authority and power to give, grant, sell, mortgage, lease, devise and dispose of said real and personal estate, or part thereof, and other estates, real and personal, may acquire instead thereof at their will and pleasure; and the proceeds shall be devoted exclusively to charitable and benevolent purposes set forth in section two.

May make rules, regulations, etc.

SEC. 5. Said [corporations] corporation shall have full power and authority to make and establish rules, regulations and by-laws for regulating and governing all the affairs and business of said corporation not contrary to the laws of this State or the United States, and to designate, elect or appoint, from among their number, such officers, under such name and style as shall be in accordance with the constitution or charter of said lodge, who shall have the supervision, control and management of the affairs of said corporations.

May erect and own buildings, etc.

SEC. 6. Any corporation formed in pursuance of this act may erect and own such suitable edifices, buildings or halls as such corporation shall deem necessary, with convenient rooms for the meeting of said lodge, and for that purpose may create a capital stock of not more than sixty thousand dollars, to be divided into shares of not more than twenty-five dollars each.

Subject to general law.

SEC. 7. All corporations formed under the provisions of this act shall be subject to the provisions of chapter seventy-three of the compiled laws of this State, the same being chapter one hundred and ninety-one of Howell's Statutes, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

This act is ordered to take immediate effect.

Approved June 30, 1891.

[No. 174.]

AN ACT to amend section three of article three of act number one hundred and seventy-four of the public acts of eighteen hundred eighty-three, entitled "An act to amend sections seven, thirty, thirty-six and forty-one of article two, and sections three and five of article three, and section fourteen of article four, and to add two new sections to article two, to stand as sections forty-five and forty-six, and a new section to article five, to stand as section twenty-two of an act entitled 'An act to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroads, and other corporations owning or operating any railroad in this State,'" approved May one, eighteen hundred and seventy-three, being act number one hundred and ninety-eight, session laws of eighteen hundred and seventy-three. The section hereby amended is section three thousand three hundred and sixty of Howell's Annotated Statutes, volume three.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section three of article three of act number one hundred and seventy-four, being continuous section three thousand three hundred and sixty of Howell's Annotated Statutes, volume three, be and the same is hereby amended so as to read as follows:

SEC. 3. Every railroad company formed under the provisions of this act, or which now is or may hereafter be brought under the provisions of the general law of this State for the taxation of railway or railroad corporations, and every railroad company owning or operating any railroad situated in whole or in part in this State, shall, on or before the first day of July in each year, pay to the State Treasurer on the statement of the Auditor General, a specific tax upon the property and business of such railroad corporation operated within the State, which tax shall be computed in the following manner, viz.: Upon all such gross income not exceeding two thousand dollars per mile of road actually operated within this State, two per cent of such gross income; upon such gross income in excess of two thousand dollars and not exceeding four thousand dollars per mile, two and one-half per cent thereof; upon all such gross income in excess of four thousand dollars and not exceeding six thousand dollars per mile, three per cent thereof; and upon all such gross income in excess of six thousand dollars per mile not in excess of eight thousand dollars per mile, three and one-half per cent thereof; and upon all such gross income in excess of eight thousand dollars per mile of road so operated, four per cent thereof. And where the railroad operated by any such company lies partly within and partly without this State, *prima facie*, the gross income of said company for

Payment of tax upon gross receipts.

Computation on gross receipts.

the purpose of taxation hereunder shall be such portion of its gross income derived from the operation of its entire road as the length of its operated portion of road lying within this State bears to the whole length of the road operated by such company: *Provided*, That if any railroad company taxable under the provisions of this act, shall claim that its income derived from the operation of its road within this State is a less proportion than the miles of road operated in this State bear to the entire mileage operated by it, the question of the amount of its taxable income shall be determined by the State board of, railroad crossings, so-called, consisting of the commissioner of railroads, Secretary of State and Attorney General upon application to said board in that behalf by said railroad company, and the determination of said board shall be conclusive; and in like manner, if it shall be claimed by the State that the proportion of the income of any company in this State exceeds the proportion of miles of said company within this State to the entire road of such company the question of such income shall be determined by said board upon reasonable notice given to said railroad company of the claim of the State in that behalf, and the time when and place where said board will consider the same, and the determination of the said board shall be conclusive. The taxes so paid shall be in lieu of all other taxes upon the properties of such companies except such real estate as is owned and can be conveyed by such corporations under the laws of this State, and not actually occupied in the exercise of its franchises, and not necessary, or in use in the proper operation of its road, but such real estate so excepted shall be liable to taxation in the same manner, and for the same purposes and to the same extent, and subject to the same conditions and limitations as to the collection and return of taxes thereon as is other real estate in the several townships or municipalities within which the same may be situated: *Provided further*, That the rate of taxation fixed by this act or any other law of this State shall not apply to any railway or railroad company hereafter building and operating a line of railroad within this State north of parallel forty-four of latitude, until the same has been operated for the full period of ten years, unless the gross earnings shall equal four thousand dollars per mile, except in so far as said line so built shall extend south of said parallel, but no such company shall be entitled to the immunity from taxation herein provided, when the same is owned, leased or operated by existing companies, until the report of earnings to the commissioner of railroads required by the laws of this State, containing the earnings of such lines hereafter built, separate and distinct from the earnings of existing lines, shall be made and filed.

Approved June 30, 1891.

Proviso.

Board of crossings to act in certain cases.

To be in lieu of her taxes, etc.

Further proviso.

[No. 175.]

AN ACT for the apportionment of Senators in the State Legislature.

SECTION 1. *The People of the State of Michigan enact,* Division into Senate districts.
That this State shall be and is hereby divided into thirty-two Senate districts, each district to be entitled to one Senator, which shall be constituted as follows, viz.:

First District, The ninth, eleventh, thirteenth and fifteenth wards of the city of Detroit, and the townships of Grosse Point, Hamtramck, Greenfield, Redford, Livonia and Plymouth, in the county of Wayne;

Second District, The first, second, third, fifth and seventh wards of the city of Detroit;

Third District, The fourth, sixth, eighth and tenth wards of the city of Detroit;

Fourth District, The twelfth, fourteenth and sixteenth wards of the city of Detroit, and the townships of Canton, Nankin, Dearborn, Springwells, Van Buren, Romulus, Taylor, Ecorse, Sumpter, Huron, Brownstown and Monguagon, and the city of Wyandotte, in the county of Wayne;

Fifth District, The counties of Lenawee and Monroe;

Sixth District, The counties of Calhoun and Hillsdale;

Seventh District, The counties of Kalamazoo, St. Joseph and Branch;

Eighth District, The counties of Berrien and Cass;

Ninth District, The counties of Allegan and Van Buren;

Tenth District, The counties of Jackson and Ingham;

Eleventh District, The county of Washtenaw;

Twelfth District, The county of Oakland;

Thirteenth District, The counties of Genesee and Livingston;

Fourteenth District, The counties of Ionia, Barry and Eaton;

Fifteenth District, The counties of Muskegon and Ottawa;

Sixteenth District, The first, second, third, fourth, fifth, eighth, ninth and tenth wards of the city of Grand Rapids, in the county of Kent;

Seventeenth District, The sixth and seventh wards of the city of Grand Rapids, and the townships of Tyrone, Solon, Nelson, Spencer, Sparta, Algoma, Courtland, Oakfield, Alpine, Plainfield, Cannon, Grattan, Walker, Grand Rapids, Ada, Vergennes, Wyoming, Paris, Cascade, Lowell, Byron, Gaines, Caledonia and Bowne in the county of Kent;

Eighteenth District, The counties of Gratiot, Clinton and Shiawassee;

Nineteenth District, The counties of Macomb and Lapeer;

Twentieth District, The counties of St. Clair and Sanilac;

Twenty-first District, The counties of Huron and Tuscola;

Twenty-second District, The first, second, third, fourth, fifth, sixth, seventh, eighth and ninth wards of the city of

Saginaw, and the townships of Albee, Birch Run, Blumfield, Bridgeport, Buena Vista, Frankenmuth, Spaulding, and the township of Taymouth, in the county of Saginaw;

Twenty-third District, The tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth wards of the city of Saginaw; and the townships of Brady, Brandt, Carrollton, Chapin, Chesaning, Fremont, James, Jonesfield, Kochville, Lakefield, Marion, Richland, Saginaw, St. Charles, Swan Creek, Thomas-town, Tittabawassee, Zilwaukie and Maple Grove, in the county of Saginaw;

Twenty-fourth District, The counties of Bay, Gladwin and Arenac;

Twenty-fifth District, The counties of Newaygo, Montcalm, Isabella and Midland;

Twenty-sixth District, The counties of Manistee, Mason, Lake and Oceana;

Twenty-seventh District, The counties of Mecosta, Osceola, Wexford, Benzie, Leelanau, Grand Traverse, Kalkaska, Antrim and Charlevoix;

Twenty-eighth District, The counties of Alpena, Oscoda, Alcona, Ogemaw and Iosco;

Twenty-ninth [District], The counties of Cheboygan, Presque Isle, Otsego, Montmorency, Crawford, Missaukee, Roscommon and Clare;

Thirtieth District, The counties of Chippewa, Mackinac, Luce, Schoolcraft, Delta, Manitou and Emmet;

Thirty-first District, The counties of Marquette, Baraga, Houghton, Keweenaw, Isle Royal and Alger;

Thirty-second District, The counties of Menominee, Dickinson, Iron, Ontonagon and Gogebic.

Election returns;
how made.

SEC. 2. The election returns of each county forming one Senate district, shall be made to the county clerk's office of said county. The election returns of each Senate district, composed of more than one county, shall be made to the county clerk's office of the county in such Senate district casting the largest total vote for president at the preceding presidential election. The election returns of each Senate district, composed of a portion of a county, shall be made to the county clerk's office of such county.

Approved June 30, 1891.

[No. 176.]

AN ACT for the organization of township school districts in the Upper Peninsula.

Petition for
organization.

SECTION 1. *The People of the State of Michigan enact*, That whenever the qualified electors of any organized township in the Upper Peninsula desire to become organized into a single school district, they may petition the township

board to give notice that at the succeeding township meeting the officers for such organized school district will be chosen, and such other business transacted as shall be necessary thereto. Such petition shall be signed by a majority of the qualified electors of the township and shall be filed in the office of the township clerk at least fifteen days prior to the annual township meeting. Upon the receipt and filing of said petition, the township clerk shall notify the members of the township board and the school [inspector] inspectors of the township to attend a special meeting to be held not more than five days thereafter, and at which meeting it shall be the duty of such township board to compare the names signed to the petition with the names appearing on the list of registered voters qualified to vote at the preceding election, and if it be found that a majority of the voters qualified to vote at the preceding election have signed the petition that the organized township of which they are resident be organized as a single school district, they shall give notice that at the then succeeding township meeting officers will be chosen for such organized school district; and shall make and file, both with the county clerk and the secretary of the board of school inspectors of the county in which such township is located, a certified copy of the above mentioned petition together with their finding and doings thereon, and thereupon such township shall become a single school district which shall be subject to all the general laws of the State, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act, under the directions and regulations of said board of education shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years, inclusive, and to such other persons as the board of education shall admit: *Provided*, That whenever the majority of electors in any surveyed township in such organized township shall petition the board of education to establish a school or schools therein, the said board of education are hereby authorized and directed within three months thereafter to organize such school or schools therein.

Clerk to notify board, etc.

To be single districts, etc.

Proviso.

SEC. 2. The officers of said district shall consist of two trustees, who, together with the clerk and school inspector of said township, shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That at the annual election to be held in said township

Officers of district.

Proviso.

next subsequent to the filing of the petition as set forth in section one of this act there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office for the term of one year, and the other one for the term of two years, and until their successors shall be elected and qualified, and the time for which the person voted for is intended, shall be designated on the ballot, and at each election thereafter to be held one trustee shall be elected in said district, who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot for "Member of board education."

Duty of township clerk, etc.

SEC. 3. Within five days after the annual election the township clerk shall notify, in writing, the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk. The term of office of the [trustee] trustees of said district shall commence on the second Monday following the annual township election at which they are elected.

Organization of board, etc.

SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk, and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president *pro tem*. The township clerk of said township shall be *ex officio* clerk of said board of education, and shall be entitled to vote thereon, and in case of the absence of said clerk the board may choose some suitable person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified and may at any time fill a vacancy in the office of treasurer:

Clerk.

Treasurer.

Provido,

To give bond.

Provided, That the person appointed to fill a vacancy in the office of treasurer shall hold the office for the unexpired portion of the term only. The treasurer of said board shall within five days after his appointment as such treasurer, file with the clerk of said board the constitutional oath of office. He shall also, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same

without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.

SEC. 6. A majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the third Monday of April, August and December in each year, and no notice of such meeting shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president, or any two members thereof, in writing, delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All [the] meetings of said board shall be held at the township clerk's office, unless otherwise ordered by a resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any taxpayer of said district.

SEC. 7. The said board shall be the board of school [inspection] inspectors for said district and shall, as such, report to the clerk of the county in which such township is located and shall have all the powers and perform all the duties now enjoyed and performed by boards of school inspectors, and the president of said board shall perform all the duties required by law of the chairman of the board of school inspectors, and the board of school inspectors for such township is hereby abolished except as its powers are vested in said board of education.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school house sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment of teachers duly and legally qualified; relative to the regulations of schools and the books to be used

	therein, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of a thorough education of the children thereof. It shall be the duty of the treasurer of said board to apply for and receive from the township treasurer or other officer holding the same, all moneys appropriated for primary [schools] school and district library of said district.
Treasurer to apply for moneys.	
Tax for school purposes.	SEC. 9. At each annual township meeting held in said township, the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: <i>Provided</i> , That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of the township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: <i>Provided</i> , That for purchasing school lots and for erecting school houses, no greater sum than three mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.
Proviso.	
Idem.	
Of assessment roll.	SEC. 10. All taxes assessed within said township for school purposes shall be set forth in the assessment roll of said township, in a separate column, apart and distinct from all other township taxes.
Treasurer to report, etc.	SEC. 11. The treasurer of the township shall at any time, at the written request of said board of education, report to said board the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.
Board to make statement, etc.	SEC. 12. The said board shall annually, prior to the first day of April in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock, noon.
Disposition of school property.	SEC. 13. All school property, both real and personal, within the limits of a township incorporated as aforesaid, shall, by force of this act, become the property of the public schools of such township, and all debts and liabilities of the primary school districts of said township, as they existed

prior to its incorporation under the provisions of this act, shall become the debts and liabilities of said public schools of the township so incorporated.

SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State shall hereby become the money of the public school of the township and no tax heretofore ordered assessed or levied for school purposes in said township or other proceedings shall be invalidated or affected by means of this act.

Of moneys raised by tax.

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum.

Compensation of board, etc.

SEC. 16. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township.

When township is divided, etc.

Alteration of township, etc.

This act is ordered to take immediate effect.

Approved June 30, 1891.

[No. 177.]

AN ACT to amend section one, of act number ninety-six, session laws of eighteen hundred forty-nine, entitled "An act for the encouragement of agriculture, manufactures, and the mechanic arts," being section two thousand two hundred ninety-eight of Howell's Annotated Statutes.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section one, of an act entitled "An act for the encour-

agement of agriculture, manufactures, and the mechanic arts," approved March sixteen, A. D. eighteen hundred forty-nine, being section two thousand two hundred ninety-eight of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows, to wit:

What society
entitled to aid,
etc.

SECTION 1. In any county in this State, where the inhabitants thereof have organized and established or may hereafter organize and establish a society for the encouragement and advancement of agriculture, manufactures and the mechanic arts and shall raise from said society, annually, the sum of one hundred dollars or over, for the promotion of the above objects in said county, which fact shall be certified by the president and secretary of the society under oath, and a certificate thereof shall be filed with the clerk of the board of supervisors. The board of supervisors of said county at their annual session in each and every year may, at their option, levy a tax of not more than one-tenth of one mill on the dollar, on the assessment roll of the county, which tax shall be collected and paid to the treasurer of the county in the same manner that other taxes are collected and paid: *Provided*, In any county where there is more than one agricultural society so reporting, the board may apportion such amount between such societies as they may deem just.

Board of super-
visors may levy
tax, etc.

Proviso.

This act is ordered to take immediate effect.

Approved June 30, 1891.

[No. 178.]

AN ACT to amend section twenty-five of act one hundred thirty-seven of the laws of eighteen hundred and forty-nine, relative to authorizing proceedings against garnishees and for other purposes, as amended, being section eight thousand fifty-five of Howell's Annotated Statutes of eighteen hundred eighty-three and eighteen hundred ninety, and to add thereto a new section to stand as section twenty-eight.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-five of act one hundred and thirty-seven of the laws of eighteen hundred and forty-nine, as amended, being section eight thousand and fifty-five of Howell's Annotated Statutes of eighteen hundred eighty-three and eighteen hundred ninety, be amended so as to read as follows:

Garnishee pro-
ceedings against
corporations.

SEC. 25. Corporations, whether foreign or domestic, other than municipal, may be proceeded against as garnishees, in the same manner and with like effect, as individuals under the provisions of this act and the rules of law regulating proceedings against corporations, and the summons against the garnishee, in such case, may be served on the president, cashier, secretary, treasurer, general or special agent, super-

Service of
summons.

intendent, chief clerk or other principal officer of such corporation, and it shall be the duty of such officer so served, or of the proper officer of such corporation having knowledge of the facts, to appear before the justice on the return day of such summons and answer thereto; or, in case such corporation has its business office in any other township than that in which said justice holds his office, to answer at his option, in writing, verified by his oath, before some person authorized to administer oaths, and transmit the same by mail or otherwise, to the justice issuing said summons, on or before the return day thereof, which shall be deemed a sufficient compliance with such summons; if such garnishee shall neglect or refuse to appear and answer or to transmit its answer in writing, as above provided, on the return day of said summons, if the same shall have been duly served upon such garnishee and its fees paid or tendered, the justice shall continue the cause not less than six nor more than twelve days, and without further showing than that the summons has been duly served and the fees paid or tendered, issue a new summons against the garnishee defendant in continuation of the cause, returnable on the day to which said cause may have been continued, which shall be served as in the first instance, and at least six days prior to the return day thereof, but in such case the garnishee defendant shall not be entitled to any fees; and unless such corporation shall appear and answer, or transmit its answer in writing in obedience to said second summons it shall be held to be indebted to the defendant in the original suit to the amount of any judgment that may be made against said defendant in such suit, and if judgment shall have been rendered against the defendant in said original suit at the time of the default of such garnishee defendant, as aforesaid, said justice shall immediately enter judgment against said garnishee defendant for the amount of the judgment against the defendant in the original suit and in favor of the plaintiff; but if at the time of such default as aforesaid judgment has not been rendered against the defendant in the original suit, then said justice shall still further continue said cause until the determination of such original cause when, if judgment is rendered against the defendant in such original suit, the justice shall immediately render judgment against such corporation, as above provided. Such corporation, or the plaintiff in said suit, may appeal from any judgment rendered under this section to the circuit court of the proper county, in the same manner as appeals may be taken from any other judgment of a justice of the peace, where the liability of such corporation may be fully inquired into: *Provided*, That when such corporation shall wish to appeal, in cases where it has not answered as garnishee, it shall, in addition to the other requirements of law, file with the justice a full and complete answer, in writing, as such garnishee, verified by the oath of one of its officers having

Answer.

In case of failure to answer, etc.

Continuation of cause.

In case of failure to answer second summons, etc.

Appeal.

Proviso.

knowledge of the facts; and thereupon said justice shall, within the time required for making such return of such appeal, at the option of the plaintiff, either make such return or set aside the judgment rendered against such corporation, by entry thereof upon his docket and across the face of such judgment, in which event such corporation, if it has not already paid all costs in such suit, shall be liable for the same.

When moneys
garnisheed to be
released.

What order to
recite.

SEC. 28. In all cases where the defendant prevails or takes an appeal in the principal suit, the court shall make an order releasing said moneys so garnisheed. Said order shall be directed to the garnishee defendant and shall be delivered to the principal defendant upon request of the defendant. Said order shall recite the reason for releasing said garnishee defendant, and said garnishee defendant shall then and there be released from all liability.

Approved June 30, 1891.

[No. 179.]

AN ACT to establish, protect and enforce by lien the rights of mechanics and other persons furnishing labor or materials for the building, altering, improving, repairing, erecting or ornamenting of buildings, machinery, wharves and all other structures; and to repeal all acts contravening the provisions of this act.

Lien created.

Limit of.

SECTION 1. *The People of the State of Michigan enact,* That every person who shall, in pursuance of any contract express or implied, written or unwritten, existing between himself as contractor and the owner, part owner or lessee of any interest in real estate, build, alter, improve, repair, erect, ornament or put in, or who shall furnish any labor or materials in or for building, altering, improving, repairing, erecting, ornamenting or putting in, any house, building, machinery, wharf or structure; and every person who shall, as subcontractor, laborer or material-man, perform any labor for or furnish materials to such original or principal contractor, or to any subcontractor, in carrying forward or completing any such contract, shall have a lien therefor upon such house, building, machinery, wharf or other structure and its appurtenances, and also upon the entire interest of such owner, part owner or lessee in and to the lot or piece of land not exceeding one quarter section of land, or if in any incorporated village or city, not exceeding the lot or lots upon which such improvement is made, to the extent of the right, title and interest of such owner, part owner or lessee at the time work was commenced or materials were begun to be furnished by the contractor under the original contract, or by the subcontractor who furnishes or is furnished

with any labor or material in the performance or execution of such subcontract, and also to the extent of any subsequent acquired interest of any such owner, part owner or lessee: *Provided*, That any person, firm or corporation furnishing material of any kind entering into the construction of such building or structure shall, within ten days after the sale of the same to any contractor or subcontractor, serve on the owner, part owner or lessee of the premises or his agent a fairly detailed statement of the goods so sold, if such owner, part owner or lessee resides in or has a known agent in the county in charge of such structure or improvement. The owner, part owner or lessee shall not be liable to the subcontractors, material-men or laborers for any greater amount than he contracted to pay the original contractor, and shall be entitled to recoup any damages which he may sustain by reason of any failure or omission in the performance of such contract; but the risk of all payments made to the original contractor, when the claimant for labor performed or materials furnished shall have, before or at the time of the commencement of the performance of such labor or the furnishing of such materials, filed with the register of deeds of the county where such structure is situated a written notice that a lien will be claimed for labor performed or materials furnished with a description of the premises and the name of the owner, part owner or lessee and contractor and within the time aforesaid shall have served a copy of such notice on said owner, part owner or lessee shall be upon the owner, part owner or lessee, until the expiration of the sixty days within which claims for lien may be filed as hereinafter mentioned, and no payment to any original contractor made before the expiration of said sixty days shall defeat any lien of any subcontractor, material-man or laborer, unless such payment has been distributed among the subcontractors, material-men and laborers, or if distributed in part only, then, to the extent of such distribution.

Proviso.

Limit of liability of owner, etc.

Remedy against contractor.

When payment to contractor at risk of owner, etc.

SEC. 2. If any such services are performed or materials are furnished upon lands belonging to any married woman, with her knowledge and consent, in pursuance of a contract with the husband of such married woman, the person furnishing such labor or materials shall have a lien upon such property the same as if such contract had been made with such married woman. And in case the title to such lands upon which improvements are made is held by husband and wife jointly, the lien given by this act shall attach to such lands and improvements, if the improvements be made in pursuance of a contract with both of them, or in pursuance of a contract with one of them by and with the knowledge and consent of the other.

When lien to hold on property of married woman.

SEC. 3. Any person furnishing services or materials for the erection of a new building or structure upon land to which the person contracting for such erection has no legal title, shall have a lien therefor upon such [building] buildings or struct-

When lien to hold building, etc.

ure; and the forfeiture or surrender of any title or claim of title held by such contracting person to such land shall not defeat the lien upon such building or structure of such person furnishing services or materials as aforesaid. In case the property covered by the lien is held by the vendee in a land contract, and he surrenders or forfeits his rights thereunder, the person or persons holding such liens may be subrogated to the rights of such vendee, as his rights existed immediately before such surrender or forfeiture, by performing the covenants contained in such contract within thirty days after such forfeiture or surrender is made.

When owner may retain money, etc.

Contractor to make statement, etc.

Owner may retain money, etc.

When contractor has no lien against owner, etc.

When statement not needed.

Protection of owner.

SEC. 4. The owner, part owner or lessee may at any time retain from any moneys due or to become due to the original contractor, an amount sufficient to pay all demands owing or unpaid to any subcontractor, material-man or laborer, who has filed and served the notice in manner and form as provided in section one of this act. The original contractor shall, whenever any payment of money shall become due from the owner, part owner or lessee, or whenever he desires to draw any money from the owner, part owner or lessee on such contract, make out and give to the owner, part owner or lessee, or his agent, a statement under oath of the number and names of every subcontractor or laborer in his employ, and of every person furnishing materials, giving the amount, if anything, which is due or to become due to them or any of them for work done or materials furnished, and the owner, part owner or lessee, or his agent, may retain out of any money then due or to become due to the contractor, an amount sufficient to pay all demands that are due or to become due to such subcontractors, laborers and material-men, as shown by the contractor's statement, and pay the same to them according to their respective rights, and all payments so made shall, as between such owner, part owner, or lessee, and such contractor, be considered the same as if paid to such original contractor. Until the statement provided for in this section is made, in manner and form as herein provided, the contractor shall have no right of action or lien against the owner, part owner or lessee on account of such contract, and any payments made by the owner, part owner or lessee, before such statement is made, or without retaining sufficient money, if that amount be due or is to become due, to pay the subcontractors, laborers or material-men, as shown by the statement, shall be considered illegal and made in violation of the rights of the persons intended to be benefited by this act, and the rights of such subcontractors, laborers and material-men to a lien shall not be affected thereby. If neither such owner, part owner, lessee nor his agent can be found within the county, then it shall not be necessary for the contractor to make and deliver such statement as a prerequisite to the institution of proceedings under this act or other suit or proceeding. In order that the owner, part owner, or lessee may be protected,

he may at any time during the progress of the work demand in writing of the contractor, the statement herein provided for, which shall be made by the contractor and given to the owner, part owner or lessee, or his agent, and if such contractor fail to furnish such statement within five days after demand made, he shall be liable to such owner, part owner, or lessee, each time he so refuses or neglects to comply with such demand, in the sum of one hundred dollars, and also for all actual damages occasioned by such neglect or refusal, to be recovered in an action on the case or in any other appropriate proceeding.

SEC. 5. Every person, or his agent or attorney, whether contractor, subcontractor, material-man or laborer, who wishes to avail himself of the provisions of this statute, shall make and file in the office of the register of deeds, in the county or counties in which said real estate, house, building, structure or improvement to be charged with the lien is situated, a just and true statement or account of the demand due him, over and above all legal set-offs, setting forth the time when such materials were furnished or labor performed, and for whom, and containing a correct description of the property to be charged with the lien, and the name of the owner, part owner or lessee, if known, which statement shall be verified by affidavit. Such verified statement or account shall be filed within sixty days from the date on which the last of the materials shall have been furnished or the last of the labor shall have been performed by the person claiming the lien, which statement may be in the following form: Statement to be
filed with reg-
ister of deeds.

Form of.

STATE OF MICHIGAN,)
County of -----) ss.

A B, of -----, being duly sworn, says, that he furnished certain labor (or materials) in and for building (or altering, improving, repairing, erecting or ornamenting, as the case may be) a certain ----- situated on the land hereinafter described, in pursuance of a certain contract with C D, the owner (or part owner or lessee, contractor, subcontractor or other person, as the case may be). The performance of such labor (or the furnishing of such materials, or both) was begun on the ----- day of ----- 18--, and the last of such labor was performed (or such materials furnished, or both) on the ----- day of ----- 18--; and there is justly and truly due deponent therefor from the said C D, over and above all legal set-offs, the sum of ----- dollars, for which amount deponent claims a lien on said land (or building) of which ----- is the owner (or part owner, or lessee as the case may be) which premises are described as follows: -----

A ----- B -----

Subscribed and sworn to before me this -----day of
-----18-----

Duty of register of deeds. The register of deeds shall indorse upon every statement or account, the date of its filing, and make an abstract thereof in a book to be kept by him for that purpose, and properly indexed, containing the date of its filing, the name of the person claiming the lien, the amount of the lien, the name of the person against whom the lien is filed, and a description of the property to be charged with the same, and such filing shall have the same effect as to notice as against subsequent purchasers or incumbrancers as the recording of a mortgage. The register of deeds shall receive the sum of seventy-five cents as his fees for the filing of such statement or account, and all subsequent papers filed with him relating to such lien.

Fee for filing, etc.

Service on owner, etc. SEC. 6. Every person filing such statement or account as provided in the preceding section shall, within ten days after the filing thereof, serve on the owner, part owner or lessee of such premises, or in his absence from the county, on his agent having charge of such premises, if either of such persons can be found within the county wherein the property is situated, a copy of such statement or claim; but if neither of such persons can be found within the county where such premises are situated, then such copy shall be served by posting the same in some conspicuous place on said premises, within five days after the same might have been served personally, could the principal or agent, as aforesaid, have been found. Proof of such service and the date and manner thereof shall be made by the affidavit of the person serving or posting the same, which proof of such service shall be filed in the office of the register of deeds for such county, before any subsequent proceedings shall be taken for the enforcement of such lien.

Proof of service, etc.

Discharge of lien, etc. SEC. 7. The lien of any contractor, subcontractor, material-man or laborer may, at any time, be vacated and discharged, if the owner, part owner or lessee or contractor, shall give to each of such persons whose liens are to be discharged, and file with the clerk of the circuit court for the county in which such property is situated, a good and sufficient bond in the penal sum of twice the amount for which the lien is claimed, with two or more sureties to be approved by the said clerk, conditioned for the payment of any sum for which the obligee in such bond may obtain judgment or decree upon the demand for which said statement of account was filed, which sureties shall justify their responsibility before such clerk or a circuit court commissioner under oath, and shall severally testify that they are each worth in real estate in the county in which such property is situated, over and above all exemptions, incumbrances, debts, and other liabilities, the penal sum of said

Filing of bond.

bond, each of which justifications shall be indorsed in full on said bond; the said clerk, on filing such approved bond, shall at once give to the obligor named therein, a certificate that a good and sufficient bond has been filed with him, as required by law, and shall state the names of the obligor and obligee, the amount of the bond and description of the property covered by the lien thereby discharged. Upon the filing of said certificate in the office of said register of deeds, the lien of the obligee therein named, if of record, shall thereby be discharged.

Certificate of
county clerk.

SEC. 8. Each person claiming a lien as aforesaid shall, from time to time, whenever required by such owner, part owner or lessee, or his agent, and within five days from demand thereof, furnish such person demanding the same, a written statement of the amount of work and materials furnished to date of statement, and then unpaid, as nearly as can then be ascertained, under penalty of a forfeiture of his lien. Such owner, part owner or lessee shall, within five days after demand of any person claiming lien as aforesaid, produce the contract existing between himself and the contractors, if in writing, and freely permit such lien claimant to make a copy thereof, and shall also, within five days after demand thereof, furnish such lien claimant a written statement of the amount due and unpaid on such contract. If such owner, part owner or lessee shall neglect or refuse to allow any lien claimant to make a copy of said contract, or shall neglect or refuse to make such written statement of the amount due and unpaid thereon, as aforesaid, he shall be liable to such lien claimant, his representatives or assigns, each time he so refuses or neglects to comply with such demand, in the sum of one hundred dollars, and also for all actual damages occasioned by such neglect or refusal, to be recovered in an action on the case or to be awarded by a court of equity upon a bill filed to compel the production of such contract, or a disclosure of the amount due and unpaid thereon.

Claimant to fur-
nish statement
of material, etc.

To show con-
tract, etc.

SEC. 9. The several liens herein provided for shall continue for twenty days after such statement or account is filed in the office of the register of deeds, and no longer, unless proceedings are begun to enforce the same, as hereinafter provided. And such liens shall take priority as follows:

Time lien con-
tinues.

Priority of liens.

First, As between persons claiming liens under this statute the several liens upon the same property attaching by reason of work, labor or materials, furnished in carrying forward or completing the same building, machinery, structure or improvement shall be deemed simultaneous mortgages;

Second, They shall take priority to all garnishments for the contract debt made prior or subsequent to the commencement of the furnishing of the materials or performance of

the labor, without regard to the date of filing the claim for lien;

Third, They shall be preferred to all other titles, liens or incumbrances which may attach to or upon such building, machinery, structure or improvement, or to or upon the land upon which they are situated, subsequent to the commencement of said building, erection, structure or improvement;

Fourth, The liens for such labor or materials furnished, including those for additions, repairs and betterments, shall attach to the building, machinery, erection, structure or improvement for which they were furnished or done, in preference to any prior title, claim, lien, incumbrance or mortgage to or upon the land upon which such building, machinery, erection, structure or improvement belongs or is put.

In case of other building, etc.

If such materials were furnished or labor performed in the erection or construction of an original or independent building, erection or other improvement, commenced since the attaching or execution of such prior title, claim, lien, incumbrance or mortgage, the court may, in its discretion, order and direct such building, erection or improvement to be separately sold under its decree, and the purchaser may remove the same within such reasonable time as the court may fix; but if, in the discretion of the court, it should not be separately sold, the court shall take an account and ascertain the separate values of the land and the erection, building or other improvements, and distribute the proceeds of the sale so as to secure to the prior title, claim, mortgage or other lien, priority upon the land, and to the mechanics' lien priority upon the building, erection or other improvement, if the materials furnished or labor performed be for addition to, repairs of, or betterments upon the building, erection or other improvement, the court shall take an account of the value before such materials were furnished, or labor performed, and the enhanced value caused by such additions, repairs or betterments, and upon the sale of the premises distribute the proceeds of sale so as to secure to the prior title, mortgage or lien, priority upon the land and improvements to the amount as they existed prior to the commencement of the improvements, and to the lien priority upon the enhanced value caused by such addition, repairs or betterments.

Court to take account of value, etc.

Proceedings to enforce lien, etc.

SEC. 10. Proceedings to enforce such lien shall be by bill in chancery, under oath, and notice of *lis pendens* filed for record in the office of the register of deeds shall have the effect to continue such lien pending such proceedings. And in such proceedings, the complainant shall make all persons having rights in said property affected or to be affected by such liens so filed in the office of the register of deeds, and all persons holding like liens so filed, and those having filed notice of intention to claim a lien,

parties to such action. And all persons holding like liens or having filed notice of intention to claim a lien, or any other persons having rights in said property, may make themselves parties thereto on motion to the court, and notice to complainant, and may file their intervening or cross-bills or answers claiming the benefit of cross-bills and notices of *lis pendens* therein. Intervening or cross-bills shall be on oath, and all bills sworn to shall be evidence of the matters therein charged unless denied by answer under oath. Amendments may be made to any bill or cross-bill at any time before final order, and if it shall appear that any party has had insufficient notice of any such [proceedings] proceeding, such further notice shall be given as the court shall think just.

How others may
be made parties
thereto.

SEC. 11. Every material question of fact may be submitted to a jury in the discretion of the court, as in ordinary chancery cases; and such trial shall be had upon a question stated or upon an issue formed under the direction of the court, or otherwise, as the court shall order.

Questions that
may be submitted
to jury.

SEC. 12. The court shall examine all claims that shall be presented, and shall ascertain and determine the amount due to each creditor who has a lien of the kind before mentioned upon the estate in question, and every such claim that is due absolutely and without any condition, although not then payable, shall be allowed with a rebate of interest to the time when it would become payable.

Court to exam-
ine claims, etc.

SEC. 13. When the owner, part owner or lessee, shall have failed to perform his part of the contract, and by reason thereof, the other party shall, without his default, have been prevented from completely performing his part, he shall be entitled to a reasonable compensation for as much thereof as he has performed, in proportion to the price stipulated for the whole, and the court shall adjust his claim accordingly.

When owner
fails to perform
his part of con-
tract, etc.

SEC. 14. Upon final decree the court may order a sale of the buildings or machinery separate, or the lands, buildings, machinery, structure, or improvements, together, by a circuit court commissioner or receiver, or may order the property into the hands of a receiver to be leased or rented from time to time under the direction of the court until the liens shall be discharged, or make such other order or disposition of the premises as justice may require. If upon the coming in and confirmation of the final report any portion of the liens shall still be unpaid, the court may enter personal decree for the same against the party who may be personally liable therefor, and execution shall issue for the same as upon other personal decrees rendered by the court.

Final decree of
court, etc.

SEC. 15. If any part of the premises can be separated from the residue and sold without damage to the whole, and if the value thereof shall be sufficient to satisfy all the claims proved in the case, the court may order a sale of

Sale of part of
premises.

or final order shall be made by any circuit court, in chancery, or the judge thereof, under the provisions of this act, either party who may consider himself aggrieved by such order or decree may appeal therefrom to the Supreme Court in the same manner as is provided by law for appeal in ordinary chancery cases; and the powers, duties and jurisdiction of the Supreme Court in relation to such appeal shall be the same as are provided by law in relation to appeals in ordinary chancery cases.

Publication of
notice in certain
cases, etc.

SEC. 28. When any defendant resides out of the State, or is absent from the State or concealed therein, or cannot be found by reason of his continued absence from his place of residence, the complainant may cause notice to be given by publication in like manner and upon the same conditions as in ordinary suits in chancery.

How certain
words construed,
etc.

SEC. 29. For the purposes of this act, the words "owner, part owner or lessee," shall be construed to include all the interest, either legal or equitable, which such person may have in the real estate upon which the improvements contemplated by this act are made, including the interest held by any person under contracts of purchase, whether in writing or otherwise. The word "material-man," as used in this act, shall be construed to include all persons by whom any materials are furnished in or for building, altering, improving, repairing, erecting or ornamenting, or putting in any house, building, machinery, wharf or other structure. The word "laborer" shall be construed to include any mechanic, workman, artisan or laborer, employed in or about any such work as hereinbefore specified.

When act not to
apply.

SEC. 30. This act shall not be construed to apply to any contract made or entered into at any time before this act shall take effect.

Acts repealed.

SEC. 31. Act number two hundred and fifty-eight of the session laws of eighteen hundred and seventy-nine, as amended by the several acts amendatory thereof, relative to the liens of mechanics and others, being sections eight thousand three hundred and seventy-seven to eight thousand three hundred and ninety-eight, both inclusive, of the statutes of the State of Michigan as compiled by Andrew Howell, as amended by the several acts amendatory thereof, is hereby repealed, save that the same shall remain in full force and effect so far as to allow proceedings to be taken thereunder upon any contract in existence at the time when this act takes effect: *And provided*, That all lien suits, actions and proceedings accruing or taken thereunder shall not be affected by the passage of this act, but the same shall be proceeded with and concluded as though this act had not been passed; and save also, that such former laws are not repealed in so far as they repeal any other act or acts, or part or parts thereof. Also act number two hundred and seventy of the session laws of

Saving clause.

Proviso.

eighteen hundred and eighty-seven, relative to the liens of mechanics and others is hereby repealed.

Approved July 1, 1891.

[No. 180.]

AN ACT to amend section fifty-six of act number fifty-nine of the laws of eighteen hundred and seventy-one, being section five hundred and fifty-four of Howell's Annotated Statutes, relative to the annual report of prosecuting attorneys to the Attorney General.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section fifty-six of act number fifty-nine, of the laws of eighteen hundred and seventy-one, being section five hundred and fifty-four of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

SEC. 56. Each prosecuting attorney shall, on the thirtieth day of June and the thirty-first day of December in each year, make and transmit to the Attorney General a report, setting forth particularly the amount and kind of official business done by him in his county in the preceding six months, the number of persons prosecuted, the crimes and misdemeanors for which prosecutions were had, the result thereof, and the punishment awarded. Report of prosecuting attorney.

This act is ordered to take immediate effect.

Approved July 1, 1891.

[No. 181.]

AN ACT to amend sections one and two of act number one hundred and ninety of the public acts of the year one thousand eight hundred and eighty-three, being an act, entitled "An act to provide for the location, erection, organization and management of an asylum for insane criminals," the same being section one thousand nine hundred forty-three *a* and one thousand nine hundred forty-three *b* of Howell's Annotated Statutes, volume three.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections one and two of act number one hundred and ninety of the public acts of one thousand eight hundred and eighty-three, being sections nineteen hundred forty-three *a* and nineteen hundred forty-three *b* of Howell's Annotated Statutes, volume three, be amended so as to read as follows:

Change of name. SEC. 1. The Michigan Asylum for Insane Criminals, shall hereafter be known as the Michigan Asylum for Dangerous and Criminal Insane.

To be asylum property. SEC. 2. All land and buildings now used by the said asylum shall be asylum property.

This act is ordered to take immediate effect.

Approved July 1, 1891.

[No. 182.]

AN ACT to provide for the payment of a franchise fee by corporations.

Subject to franchise fee. SECTION 1. *The People of the State of Michigan enact,* That every corporation or association hereafter incorporated by or under any general or special law of this State shall pay to the Secretary of State a franchise fee of one-half of one mill upon each dollar of the authorized capital stock of such corporation or association and a proportionate fee upon any and each such subsequent increase thereof: *Provided,* That the fee herein provided for shall in no case be less than five dollars.

Proviso. SEC. 2. The Secretary of State shall not receive for filing or record the articles of association of any corporation or association unless accompanied by the fee provided for in this act.

Articles must be accompanied by fee. SEC. 3. The fees collected under the provisions of this act shall be paid into the State treasury and placed to the credit of the general fund.

Disposition of fees. This act is ordered to take immediate effect.

Approved July 2, 1891.

[No. 183.]

AN ACT to provide for the registration and identification of criminals, in the penal institutions of this State, by the Bertillon system.

Description and measurement of criminals. SECTION 1. *The People of the State of Michigan enact,* That in every prison in this State to which persons convicted of any felonious offense are, or may be committed by the courts of this State, or of the United States, the warden or other officer in charge shall record, or cause to be recorded, in a record kept for that purpose, a description and measurement, by the Bertillon or such other system as may be deemed proper for the identification of criminals, and also a criminal history of every such person so committed, so far as the same may appear from the

History and photograph.

records of this State, or of any other state, or otherwise as full and complete as may be obtainable, and may attach thereto a photograph, or photographs, of such person so recorded.

SEC. 2. The register herein provided for shall not be made public, except for the identification of persons accused of crime, and in their trial for offenses committed after having been imprisoned for a prior offense, and then only upon the order of the judge of the court or of the prosecuting attorney of the county, or the United States attorney of the district, in which the person is being held for a crime; which said order shall be attested by the seal of the court, and such record may be given in evidence upon any trial of an offender against the laws, for the purpose of proving a former conviction, or convictions, and the offense or offenses for which he may have been convicted.

Register not to be made public except in certain cases.

SEC. 3. Whenever the prisons of the different states, or the department of justice of the United States shall establish an officer for compiling such records as are herein provided for, the warden or other officer in charge shall send to such office when requested, a duplicate of every description and measurement taken.

To whom duplicate furnished.

This act is ordered to take immediate effect.

Approved July 2, 1891.

[No. 184.]

AN ACT making an appropriation for the further equipment of the Mining School at Houghton, in the county of Houghton, Michigan.

SECTION 1. *The People of the State of Michigan enact,* That the sum of fifteen thousand dollars be and the same is hereby appropriated from the general fund in the State treasury not otherwise appropriated, for the further equipment of the Mining School at Houghton, the same to be expended under the direction of the board of control of said school.

Appropriation.

Purpose.

SEC. 2. Money for payments under this act shall be drawn from the State treasury on requisition by the board of control, signed by the president and secretary thereof, which shall be presented to the Auditor General, who shall draw his warrants on the State Treasurer therefor.

Moneys, how drawn.

SEC. 3. Said board of control is hereby authorized at any time during the year eighteen hundred and ninety-one, or thereafter, to draw from the general fund of the State treasury the amount of money hereby appropriated at such times and in such amounts as they shall deem necessary.

Authority to draw money, etc.

To be incorporated in tax of 1891.

SEC. 4. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-one the sum of fifteen thousand dollars to be assessed, levied and collected as other State taxes are assessed, levied and collected; which sum, when collected, shall be credited to the general fund to reimburse it for the sum appropriated by section [one] on of this act.

This act is ordered to take immediate effect.

Approved July 2, 1891.

[No. 185.]

AN ACT to provide for the appointment, fix the compensation, and prescribe the duties of the stenographer of the circuit courts for the counties of Gogebic and Ontonagon, now composing the thirty-second judicial circuit.

To hold office under provisions of this act.

To be appointed by the Governor.

Deputies.

Proviso.

Duty of Stenographer.

Compensation, how paid, etc.

SECTION 1. *The People of the State of Michigan enact,* That from and after the passage of this act the stenographer of the circuit courts of the counties of Gogebic and Ontonagon, now composing the thirty-second judicial circuit, shall hold his office under and subject to the provisions of this act. He shall be appointed by the Governor on the recommendation of the judge of the circuit, and hold his office during good behavior, except that the court may suspend him for incompetency or misconduct, and in case such suspension is not rescinded within thirty days the office shall be deemed vacant.

SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided,* The stenographer shall have power to revoke said appointment at any time.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said courts at each term and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and, as a compensation for such services, he shall receive the sum of sixteen hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of the said counties respectively the preceding year; and on the first day of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof, and when

so notified, the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer in accordance with said apportionment and said notification of the circuit judge, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

SEC. 4. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes, it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of ten cents a folio, and in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case, in order to remove said case to the Supreme Court, and the circuit judge shall certify, then the amount of the stenographer's fees may be taxed, if the appellant prevail in the Supreme Court, as a proper disbursement: *Provided*, That in case a criminal case is taken to the Supreme Court, and the prosecuting attorney desires a transcript of the stenographic notes of said case, the stenographer shall furnish the same free of cost.

SEC. 5. Each and every issue of fact tried and contested shall be taxed three dollars, to be paid by the parties to the suit in equal proportions, before the taking of the testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

SEC. 6. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each of the counties respectively.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any cause shall prefix to his notes of the testimony of each witness the full name of said witness, and the date the testimony was taken, and at the conclusion of the trial of said cause, he shall securely attach together all his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation, or his removal from office or from this State, of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for the county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause.

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SEC. 4. The Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and ninety-one the sum of fifteen thousand dollars to be assessed, levied and collected as other State taxes are assessed, levied and collected; which sum, when collected, shall be credited to the general fund to reimburse it for the sum appropriated by section [one] on of this act.

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Proviso.

Duty of Stenographer.

Compensation, how paid, etc.

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SEC. 2. Said stenographer shall have the power to appoint one or more deputies, subject to the approval of the court, whose compensation shall be paid by the stenographer: *Provided,* The stenographer shall have power to revoke said appointment at any time.

SEC. 3. Said stenographer shall be deemed an officer of the court, and it shall be his duty to attend said courts at each term and to take full stenographic minutes of the testimony and proceedings upon the trial of each issue of fact tried before the court or jury, at law or in chancery, and, as a compensation for such services, he shall receive the sum of sixteen hundred dollars per annum, which sum shall be paid in monthly installments out of the county treasuries of the counties aforesaid. The amount to be paid by each of said counties shall be determined upon the basis of the number of suits entered and commenced in the circuit courts of the said counties respectively the preceding year; and on the first day of January of each year, or as soon thereafter as may be, it shall be the duty of the judge of said courts to apportion the amount of such salary to be paid by each county respectively, upon the basis aforesaid, and to notify the treasurer of each county thereof, and when

so notified, the treasurer of each of said counties shall thereafter, until a new apportionment of salary is made, pay, in monthly installments, the annual salary of said stenographer in accordance with said apportionment and said notification of the circuit judge, and the receipt of said stenographer shall be a sufficient voucher for each of the county treasurers aforesaid.

SEC. 4. In case counsel for either party shall desire a transcript of the testimony or proceedings contained in said stenographer's notes, it shall be the stenographer's duty to furnish the same, and he shall be entitled to demand and receive for making such transcript the sum of ten cents a folio, and in case it shall be necessary to procure a transcript of said stenographer's notes of the testimony and proceedings in any case, in order to remove said case to the Supreme Court, and the circuit judge shall certify, then the amount of the stenographer's fees may be taxed, if the appellant prevail in the Supreme Court, as a proper disbursement: *Provided*, That in case a criminal case is taken to the Supreme Court, and the prosecuting attorney desires a transcript of the stenographic notes of said case, the stenographer shall furnish the same free of cost.

SEC. 5. Each and every issue of fact tried and contested shall be taxed three dollars, to be paid by the parties to the suit in equal proportions, before the taking of the testimony is commenced, into the hands of the clerk of the court, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs as a proper disbursement.

SEC. 6. Before entering upon the duties of his office such stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge, and shall be filed in the office of the county clerk in each of the counties respectively.

SEC. 7. The stenographer or assistant stenographer who shall take the notes on the trial or hearing in any cause shall prefix to his notes of the testimony of each witness the full name of said witness, and the date the testimony was taken, and at the conclusion of the trial of said cause, he shall securely attach together all his notes taken in said cause and properly entitle them upon the outside, and safely keep the same in his office. In the event of the death or resignation, or his removal from office or from this State, of the stenographer, said notes shall be transferred to the county clerk of the county where the cause was tried, who shall receive and safely keep the same, subject to the direction of the circuit court for the county: *Provided*, That said notes shall be a part of the records in said cause, and shall be subject to inspection as other records in said cause.

Charge of judge
need not be in
writing.

SEC. 8. In cases tried in the said courts in which said stenographer shall be engaged it shall not be necessary for the charge of the court to be in writing as provided by an act entitled "An act to declare and establish the practice of charging or instructing juries, and in settling the law in cases tried in the circuit courts," approved March twenty-sixth, one thousand eight hundred and sixty-nine.

Certain acts void,
etc.

SEC. 9. All acts or parts of acts contravening the provisions of this act in force at the time of the passage of this act, shall be construed as void and of no effect as applied to the counties of Gogebic and Ontonagon.

This act is ordered to take immediate effect.

Approved July 2, 1891.

[No. 186.]

AN ACT to authorize the cities and villages of this State to provide for the lighting of their streets, and other public places therein, by means of electric or other lights.

Authorized to
acquire works,
etc.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any city or incorporated village in this State, to acquire by purchase, or to construct, operate and maintain, works for the purpose of supplying such cities or villages and the inhabitants thereof with gas, electric or other lights, or to contract for the furnishing thereof, at such times and on such terms and conditions as the common council of any such city or the board of trustees in any such village shall direct.

Power of council,
etc., to act.

SEC. 2. Whenever the common council of any city, or the board of trustees of any village shall, by resolution, declare that it is expedient for such city or village to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying such city or village and the inhabitants thereof with gas, electric, or other lights, or when such common council shall deem it expedient to contract for the lighting of such cities and villages, with electric or other lights, then such common council, or the board of trustees of any village or city, shall have power to take such action as shall be deemed expedient to accomplish such purpose: *Provided,* Such action shall be governed by the provisions of act number five, of the session laws of one thousand eight hundred and seventy, approved August fourth, one thousand eight hundred and seventy, as amended, entitled, "An act to authorize the introduction of water into and the construction or purchase of hydraulic works in the cities and villages in the State of Michigan," being sections three thousand and ninety-six to three thousand one hundred and nine

Proviso.

of Howell's Annotated Statutes, and all the provisions of that act so far as the same shall be material, shall apply to and have full force and operation in the case of cities and villages desiring to have the benefit of this act, in the same manner and to the same effect as in the case of cities and villages proposing to purchase or construct works for the purpose of supplying such city or village, or the inhabitants thereof, with water: *Provided*,^{Idem as to time.} That all contracts for lighting such cities or villages, as hereinbefore provided, shall be for a period not less than three nor more than ten years: *And provided further*,^{Further proviso.} That such contract shall be entered into in the manner prescribed by the charter of such city or village for the letting of contracts for public lighting: *Provided further*,^{Idem.} That in case any such common council or board of trustees shall declare that it is expedient for such city or village to acquire by purchase or to construct, as the case may be, works for the purpose of supplying such city or village with electric or other lights, then such common council or board of trustees shall submit to the electors of the city or village the question of purchasing or constructing such works before any further proceedings are had and no further proceedings shall be had by such common council or board of trustees unless a majority of such electors vote for the purchasing or constructing of such works.

SEC. 3. Whenever one hundred or more of the qualified electors of any city or village in this State, shall petition to the common council of such city, or the board of trustees of such village, to submit to the electors thereof the question of whether or not said city or village shall avail itself of the provisions of this act, it shall be the duty of such common council or board of trustees, as the case may be, to submit such question to the electors of such city or village at its next regular election therein, and in case a majority of the electors shall vote in favor of such city or village availing itself of the provisions of this act, it shall thereupon become the duty of the common council of such city, or the board of trustees of such village, to take such action as shall be necessary to carry such resolution into effect in the same manner and with the same effect as if such common council or board of trustees had, by resolution, declared the same to be expedient, as provided for in section two of this act: *Provided, however*,^{How electors may act on question.} That the provisions of this act, so far as the same applies to the purchase, or construction or operation; or maintenance of works for the purpose of supplying such city or village, or the inhabitants thereof, with public lights as hereinbefore provided for, shall not apply to cities having more than twenty-five thousand inhabitants.^{Duty of council, etc.}

Repealing
clause.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.
This act is ordered to take immediate effect.
Approved July 2, 1891.

[No. 187.]

AN ACT to amend sections two, five, eight, ten and eleven of chapter three; section eight of chapter six; sections one and three of chapter eight; and section two of chapter nine of act number two hundred and twenty-seven of the public acts of eighteen [hundred] and eighty-five, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," as amended by the several acts amendatory thereto.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two, five, eight, ten and eleven of chapter three; section eight of chapter six; sections one and three of chapter eight; and section two of chapter nine of act number two hundred and twenty-seven of the public acts of eighteen hundred and eighty-five, entitled "An act to provide for the construction and maintenance of drains, and the assessment and collection of taxes therefor, and to repeal all other laws relative thereto," approved June twentieth, eighteen hundred and eighty-five, as amended by the several acts amendatory thereto, be and the same are hereby amended so as to read as follows:

CHAPTER III.

When township
drain commis-
sioner to transfer
application to
county drain
commissioner.

SEC. 2. When application shall be made to any township drain commissioner for the establishment of any drain, and it shall appear to such commissioner that he is interested in the construction of such drain by reason of its traversing any of his lands or benefitting them so that they may be liable to be assessed for benefits in the construction thereof, or that he is otherwise interested therein, then such commissioner, before taking any action thereon shall, in counties where there is a county drain commissioner, transfer such application to the county drain commissioner, who shall thereupon have complete jurisdiction over such application and the drain proposed to be constructed thereunder, and in case there is no county drain commissioner he shall proceed to act as in other cases. Such transfer of the application, together with all other papers pertaining to such drain shall also be made by such township drain commissioner whenever a majority of the

persons liable to be assessed for the construction of such proposed drain shall serve a notice in writing upon him, signed by them, to transfer such application to the county drain commissioner, a copy of which said notice shall at the same time be also served upon said county drain commissioner, and such drains when so transferred shall be deemed and treated as county drains: *Provided*, Such notice shall be served upon said township drain commissioner at any time before the expiration of the twenty days allowed to expire after he has made his order of determination, as provided in the next following section. Proviso.

SEC. 5. If within twenty days after the making of such order of determination, as provided in section four of this chapter, all the persons through whose lands the proposed drain is to pass shall not have executed a release of the right of way, and all damages on account thereof, the commissioner shall, as soon as practicable, make application to the probate court of the county in which such lands are situated, for [the] appointment of three special commissioners, who shall be resident freeholders of the county, to determine the necessity for such drain, and for the taking of private property for the use and benefit of the public, for the purpose thereof, and the just compensation to be made therefor. Such application shall be in writing, and shall set forth: When commissioner shall institute condemnation proceedings.

First, The fact that an application for a drain was made, and when, describing the drain, and also giving the route and dimensions thereof, according to the application and survey; What application shall set forth.

Second, That an order determining the necessity for the drain was made by the commissioner, giving the time when the order was made;

Third, (1) The several descriptions or tracts of land, with the names of the owner or owners of every such tract, who have neglected or refused to execute a release of right of way and damages; (2) The several descriptions or tracts of land owned by any minor, idiot or person of unsound mind, unknown persons or non-residents of the township, the execution of a release of right of way and damages for which has been neglected or refused; (3) The names of all persons who will be liable to an assessment for benefits in the construction of such drain, under the provisions of this act, with a description of the lands for which they are liable to be assessed; and (4) The several descriptions or tracts of land, owned by unknown persons or non-residents of the township, which will be liable to assessment for benefits in the construction of such drain under the provisions of this act. No lands or tract of land not described or set forth in such application shall thereafter be included in the special assessment district provided in section one of chapter four.

SEC. 8. The court to whom such application is made shall at the time and place fixed in the citation, or at any time to Court to appoint time and place of hearing.

Special commis-
sioners to
appraise dam-
age, etc.

Court to appoint
time and place of
meeting, etc.

Proviso as to
jury.

Right to jury
waived, when.

Selection of jury,
etc.

which it may adjourn, and upon proof of service and publication where required, proceed to hear and determine as to the regularity of all the proceedings had up to and including the filing of the said application, and in case he shall determine that all of said proceedings have been regular and in conformity to law, said court shall make an order appointing three disinterested and competent resident freeholders as special commissioners to ascertain and determine the necessity for such drain, and to appraise and determine the damages or compensation to be allowed to the owners or parties interested in the real estate proposed to be taken for the right of way of such drain. Such court shall immediately upon the appointment of such commissioners, and with the concurrence of the drain commissioner, appoint a time and place (such time to be not less than five nor more than fifteen days thereafter), at which time such special commissioners shall meet the drain commissioner and other parties in interest, to consider the matters and things with respect to which they have been appointed, and said court shall make public announcement thereof, and thereupon the [proceeding] proceedings shall be deemed a continuing proceeding, and no further notice of the time and place of hearing shall be required, and such appointment and announcement shall be made a part of the record in the case: *Provided*, That any one person whose estate or interest is to be affected by the proceedings may demand and have from such court at the time of hearing of said application, a jury of twelve freeholders of said county to ascertain and determine the necessity for taking or using such lands and to appraise and determine the damages and compensation to be allowed therefor. The demand of any one of the parties interested for a jury shall be deemed to be a demand for all, and if no jury be demanded on the part of any person interested in said proceedings, before the appointment of special commissioners shall be made by such court, his or her right to the same shall be deemed to have been waived. Whenever such demand for such jury shall have been made, the court shall thereupon direct the sheriff or any constable of the county to make a list in writing, of twenty-four disinterested and competent freeholders of the county, qualified to serve as jurors in the courts of record in this State. Such sheriff or officer shall, before he proceeds to make such list, be sworn by the court or judge to select such persons according to his best judgment, and without favor or partiality to either party. From such list the person or persons demanding such jury may alternately strike off six names, and the drain commissioner six names, and in case of either of them refusing or neglecting to do so, the judge shall strike off from said list for the party so refusing or neglecting so as to leave only twelve names thereon. Such court, or the judge thereof, shall issue a *venire* in the usual form, inserting therein the twelve names so remaining on

said list, and requiring such jury to meet at the time and place appointed therefor by the court, at which meeting said judge shall be present. Said *venire* may be served by the sheriff, any constable, or other proper officer of the county, as in other cases; and if at the time and place appointed by said court or judge for said jury to meet, any of the persons named as jurors do not attend, or if any named in the *venire*, or chosen as talesmen, shall be rejected in a challenge for cause, which right of challenge is hereby granted, it shall be competent for said court, or the judge thereof, to order the said sheriff or other officer to summon immediately as many competent persons who shall be resident freeholders as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors. Said jury shall thereupon be sworn to faithfully discharge the duties of jurors in the matter in which they are called to act, and to well and truly determine the necessity of such drain, and of the taking of private property for the use and benefit of the public, for the purpose thereof, and the just compensation to be paid therefor. The said jury, with the drain commissioner, and other parties in interest who may be present, shall proceed at that time, or at any time to which they may adjourn, to view said premises, and for such purpose they shall have the right to enter upon any lands traversed by the route of the proposed drain.

SEC. 10. The said jury or special commissioners shall hear the proofs and allegations of the several parties in interest, and shall ascertain and determine the necessity for such drain, and for the taking of such private property for the use and benefit of the public for the purpose thereof, and the just compensation to be made therefor in each case, which compensation shall be determined without reference to any benefits that may accrue to the land in consequence of the construction of such proposed drain. There shall be produced by the drain commissioner at such hearing, the original application for the laying out of such drain, and the minutes of his action thereon, so far as had; also copies of the order of determination, and of the application to the probate court, with the citation annexed, and a copy of all the proceedings in the probate court, the minutes of the surveyor, signed by him, and the order appointing the jury or special commissioners, as the case may be. The jury or commissioners may adjourn such hearing from day to day, for any cause, not exceeding in all ten days, announcement of which adjournment shall be then and there publicly made.

SEC. 11. The said jury or special commissioners shall, within fifteen days from the date of their first meeting, make a return in writing of their hearing, determination, and of their several awards. The special commissioners shall file said return with the drain commissioner, who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute,

Jury to be sworn
etc.

To hear proofs,
etc.

Drain commis-
sioner to produce
original applica-
tion, etc.

May adjourn not
to exceed ten
days.

To make return
within fifteen
days.

Return to be filed with drain commissioner, etc.

Jury to file return with judge of probate, etc.

Such return shall be deemed a sufficient conveyance.

Proviso.

he shall return the same to the special commissioners for correction, with his objections in writing. The special commissioners shall thereupon proceed to correct their return and file the same with the drain commissioner within five days. When the drain commissioner shall find such return to be without material error, he shall file the same with the other papers in his possession pertaining to such drain. In case of a jury they shall file and return with the judge of probate who shall examine the same, and if he shall find such return not to be in substantial conformity with the statute, he shall return the same to the jury for correction, with his objections in writing. The jury shall thereupon proceed to correct their return, and file the same with the court within five days, and when such report shall have been confirmed by such court, a certified copy of such order of confirmation shall be furnished by the court to the drain commissioner. Such return by such jury or special commissioners shall be deemed a sufficient conveyance to vest the fee of the lands necessary to be taken for such drain, and upon which damages are awarded, in the township in which they are situated, in trust to and for the uses and purpose of drainage and for no other use or purpose whatever: *Provided*, That the amount of compensation that may have been awarded therefor shall have been paid or tendered or secured to the person entitled thereto, as hereinafter provided.

CHAPTER VI.

Orders to be drawn upon the drain fund.

Orders to be countersigned by township clerk.

Proviso.

SEC. 8. All orders for the payment for lands for right of way, for services rendered and work performed, shall be drawn by the commissioner upon the drain fund of each particular drain. All orders for the payment for lands for right of way, and for all other services rendered and expenses incurred, except contracts for construction, shall be paid out of the first year's taxes, and the balance of such first year's taxes, if any, shall be applied *pro rata* among the several contractors in payment of the contracts for the construction of such drain. For the balance due upon such contracts, the commissioner shall draw orders payable out of the second year's assessment. All orders drawn by township drain commissioners shall be countersigned by the township clerk, and all orders shall be drawn payable on the first day of February of the year in which the drain taxes for the payment thereof are required to be paid: *Provided*, That no commissioner shall draw orders payable in any one year for a larger amount than each year's assessment, but shall draw, as near may be, to the exact amount assessed. All orders not paid when due, by reason of delinquency in the payment of such drain taxes, shall draw lawful interest from the date of maturity, said interest to be computed by the county or township treasurer, as the case may be, and to be paid with

the principal out of the proper fund on which it was drawn, and out of no other fund, and such treasurer shall report to the drain commissioner the amount paid as interest on such orders. All accounts of drain commissioners for personal services shall be audited and allowed by the township board, or the board of supervisors, as the case may be.

CHAPTER VIII.

ESTABLISHED DRAINS.

SECTION. 1. Whenever a drain, or any portion thereof, needs cleaning out, deepening, widening or extending, any five freeholders of the township or townships in which such drain is situated, one or more of whom shall be owners of land which, at the time of its construction, was assessed therefor, may make application in writing to the commissioner by whom it was constructed, or to his successor in office, setting forth its necessity, and the commissioner shall, as soon as practicable thereafter, go upon the line thereof and carefully examine such drain, and if, in his judgment, the request of the applicant should be granted, he shall fix the per cent of the cost of cleaning out, that the owner of such parcel or lot of land shall be assessed therefor: *Provided*, That in case of an established county drain, having its beginning, entire course and terminus within one township, and where all the lands liable to be assessed for benefits on account thereof are also located in such township, a majority of the owners of the land assessed for the construction therefor may make application in writing, signed by them, to the county drain commissioner for a transfer of the jurisdiction of the said drain to the township drain commissioner of the township in which the drain is situated, and it shall be the duty of the said county drain commissioner upon receiving such application, to transfer to the said township drain commissioner a copy of all records and papers and an order on the county treasurer for any funds which may belong to said drain; and the said county drain commissioner shall receive pay for making said copy of the records out of any money belonging to the said drain, if any, otherwise the persons making the application shall pay the cost thereof before such copies are delivered, and all such drains shall thereafter be under the jurisdiction of such township drain commissioner, who shall proceed to act upon any application as hereinbefore provided in this section: *And provided further*, That such assessment shall be made according to benefits, and shall be subject to appeal the same as in the first instance, except that in all cases under this section where drains are only cleaned out, the cost thereof may, in the discretion of the drain commissioner, be assessed upon the same per cent fixed for the construction thereof: *And provided further*, That whenever any such

Who may make application for cleaning or widening drains, etc.

Duty of commissioner.

Proviso as to transfer to township commissioner, etc. }

Further proviso as to assessments.

Further proviso.

drain shall need widening or extending, the same proceedings shall be had throughout, in every respect, as are provided in this act for the locating and construction of a drain in the first instance.

Drains heretofore established legal drains.

Certain drains to be under the jurisdiction of county commissioner, etc.

SEC. 3. All drains regularly established, opened, or constructed under any provisions of law heretofore existing, shall be deemed to be legal drains under this act. All drains traversing more than one township, or in which the lands assessed for the construction thereof are situated in more than one township, and heretofore constructed by the drain commissioners of the adjoining townships acting jointly, shall hereafter be under the jurisdiction of the county drain commissioner; and all drains traversing more than one county and heretofore constructed by a special commissioner, shall hereafter be under the jurisdiction of the county drain commissioners of the counties traversed by said drain acting jointly, and any drain that has been established for ten years, shall be conclusively deemed to have been regularly established, and it shall be the duty of the county or township drain commissioner, where no records of such drains have been preserved, to see that [the] records of such drains are made in the most practicable manner in the drain records of their respective townships and counties.

CHAPTER IX.

Compensation of drain commissioner.

Of juries and special commissioners, etc.

Of judge of probate.

SEC. 2. Drain commissioners shall receive for their services a sum not to exceed three dollars per day for each day actually and necessarily spent by them in the discharge of the duties of their offices, to be fixed by the board of supervisors in the case of a county drain commissioner, and by the township board in the case of a township drain commissioner. Juries and special commissioners shall receive the same compensation as the county drain commissioners, and newspaper publishers shall receive legal rates for advertising. The judge of probate shall receive ten cents per folio for making exemplified copies of any proceedings had in the probate court, two dollars for the appointment of special commissioners, including the certified copy of the order of their appointment, and three dollars for all services performed in case a jury is had.

Approved July 2, 1891.

[No. 188.]

AN ACT to create a commission, define its duties and powers and make an appropriation of money for the purpose of making an exhibit of the various manufactures and products of the State of Michigan at the World's Colum-

bian Exposition at Chicago in the years one thousand eight hundred and ninety-two and one thousand eight hundred and ninety-three.

SECTION 1. *The People of the State of Michigan enact,* Commission created.
That a commission be and is hereby constituted, to be designated and known as the board of World's Fair managers for the State of Michigan, which board shall consist of six residents of the State of Michigan, two of whom shall be women, and the Governor shall be *ex officio* a member of said board.

SEC. 2. The members of said board and a secretary thereof shall be appointed by the Governor within thirty days after this act shall take effect, and shall meet at such time and place as the Governor may appoint, when said board shall organize by taking and filing their respective constitutional oaths of office, and the election from their own number of a president, a vice president and treasurer. Said secretary may select and appoint one assistant or private secretary whenever the board shall determine such appointment necessary. Said board is hereby empowered to employ such agents and employes as it may from time to time deem necessary to carry into effect the provisions of this act. Said treasurer may, when so directed by said board, bring suit in his official name in any court of competent jurisdiction for the protection of the interests of the State of Michigan or the rights of said board. Said treasurer, before he enters upon the duties of his office, shall file with the Secretary of State a bond to the people of the State of Michigan in the sum of fifty thousand dollars with five sureties to be approved by the Governor, conditioned for the faithful performance of all his duties as such treasurer. Four members of said board shall constitute a quorum for the transaction of business after it shall be duly organized. The board shall have power to make rules and regulations for its own government: *Provided*, Such rules and regulations shall not conflict with the regulations adopted under the act of Congress for the government of said World's Columbian Exposition. Said board of managers shall hold their offices, subject to removal as hereinafter provided, from the date of their appointment to June first, one thousand eight hundred and ninety-four. Any member of the board may be removed at any time by the Governor for cause. Any vacancy which may occur in the membership of said board shall be filled by the Governor. The board of managers may be convened on the call of the president and shall hold its meetings at such place as they shall designate. Governor to appoint, etc.
Organization of board, etc.
Bond of treasurer, etc.
Quorum, etc.
Proviso.
Vacancy.

SEC. 3. The members of said board so appointed by the Governor shall be entitled as compensation for their services, while in the actual performance of their duties, to three dollars per day and their actual and necessary expenses of transportation, and the further sum of three dollars per day Compensation, etc.

for subsistence for each day they are actually and necessarily absent from their respective homes on the business of said board. The Governor shall be reimbursed for his actual and necessary expenses. Said board is hereby empowered to fix the compensation of said secretary, his assistant or private secretary and all agents and employes of said board. The expenses of said commission shall be paid out of the moneys appropriated by this act in such manner as in this act provided and not otherwise.

Board to have
charge of exhib-
its, etc.

SEC. 4. The [said] board shall have charge of the exhibits of the State and its citizens in the preparation and exhibition thereof, at the World's Columbian Exposition of one thousand eight hundred and ninety-two and one thousand eight hundred and ninety-three, of the natural and industrial products of the State, and of objects illustrating its history, progress, educational and material welfare and future development, and in all other matters relating to the said World's Columbian Exposition; it shall communicate with the officers of and obtain and disseminate through the State all necessary information regarding said exposition and in general have and exercise full authority in relation to the participation of the State of Michigan and its citizens in the World's Columbian Exposition of one thousand eight hundred and ninety-two and one thousand eight hundred and ninety-three.

To report quar-
terly, etc.

SEC. 5. The said board shall make a report of its proceedings and expenditures quarterly to the Governor, and at any time upon his written request, said reports to be by him transmitted to the Legislature, together with such suggestions as he may deem important regarding provision for a complete and creditable representation of the State at the World's Columbian Exposition of one thousand eight hundred and ninety-two and one thousand eight hundred and ninety-three.

How moneys
drawn, etc.

SEC. 6. All the moneys drawn from the State treasury of the sum appropriated by this act shall be upon the requisition of the president and treasurer of the board of World's Fair managers, approved by the Governor, on the warrant of the Auditor General on the treasury, and accompanied by estimates of the expenses to the payment of which the money so drawn is to be applied, and no draft of money shall be made that shall make the amount in the hands of the treasurer of the board at one time more than two-thirds of the amount of his bond to the State, and all moneys disbursed by the treasurer of the board shall be upon the order of the president of the board, countersigned by the secretary, upon vouchers made in duplicate, containing an itemized statement of account and for what purpose the same is paid, and those accounts that are for traveling expenses and subsistence shall have attached thereto the affidavit of the person claiming the same, that such sum has been actually paid, and for the items and purposes stated therein, and that no claim therefor has been heretofore made. One of each of

How moneys
disbursed, etc.

all vouchers shall be kept by the treasurer in his office and the duplicate, together with abstracts of accounts current, shall be by him filed with the Auditor General as provided by act number one hundred and forty-eight, laws of one thousand eight hundred and seventy-three. Vouchers, etc., to be filed.

SEC. 7. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the State treasury not otherwise appropriated the sum of one hundred thousand dollars, or so much thereof as shall be necessary therefor: *Provided*, A sum not exceeding fifty thousand dollars shall be drawn during the year one thousand eight hundred and ninety-one: *Provided further*, That there may be drawn and expended out of the money hereby appropriated so much thereof as shall be necessary to procure plans, material, build and furnish an adequate State administration building on the grounds of the World's Columbian Exposition at Jackson Park in the city of Chicago: *And provided further*, That in no event or account shall the State of Michigan nor the said board created by this act, be held responsible or be made liable for any sum in excess of the amount appropriated by this act and in no event for damages to persons or property sustained by exhibitors or others. Appropriation, etc. Proviso. Further proviso. Idem.

SEC. 8. After the World's Columbian Exposition shall have been closed the board of managers is hereby authorized to sell or otherwise dispose of the buildings and property then on the exhibition grounds at Chicago, belonging to the State of Michigan, depositing the money received therefor in the State treasury; and further, any money in the hands of the treasurer of the board of managers belonging to the State, shall be paid by him to the State Treasurer and his accounts fully settled within six months after the close of said World's Columbian Exposition. Disposition of property, etc.

SEC. 9. To raise the sum necessary to replace the amount of money drawn from the treasury by authority of this act there shall be assessed upon the taxable property of the State in the year one thousand eight hundred and ninety-one the sum of fifty thousand dollars, and in the year one thousand eight hundred and ninety-two the sum of fifty thousand dollars, to be assessed levied and collected in like manner as other taxes are by law assessed, levied, collected and paid, which tax when collected shall be credited to the general fund by the State Treasurer. Appropriations to be in taxes of 1891-2.

This act is ordered to take immediate effect.

Approved July 2, 1891.

[No. 189.]

AN ACT to provide for an appropriation for the preparation, publication and distribution of the proceedings of the annual meetings of the Michigan superintendents of the poor, for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two.

Appropriation.

SECTION 1. *The People of the State of Michigan enact,* That there is hereby appropriated from the general fund, the sum of seventy-five dollars for each of the years eighteen hundred and ninety-one, and eighteen hundred and ninety-two, to be expended for the preparation, publication and distribution of the proceedings of the annual meetings of the Michigan superintendents of the poor for each of said years.

Purpose.

How money expended, etc.

SEC. 2. Said moneys shall be expended under the direction of the secretary of the State and board of corrections and charities, who shall report to the Governor, giving an itemized account of the manner of such expenditures, and the Auditor General shall issue his warrant for the payment of said moneys on presentation to him of the order of the chairman of the State board of corrections and charities countersigned by the secretary thereof.

To be incorporated in tax of 1891-2.

SEC. 3. The Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and ninety-one, the sum of seventy-five dollars, and for the year eighteen hundred and ninety-two, the sum of seventy-five dollars, to be assessed, levied and collected, as other State taxes are assessed, levied and collected, which sum, when collected, shall be placed to the credit of the general fund to reimburse it for the sums appropriated by section one of this act.

This act is ordered to take immediate effect.

Approved July 3, 1891.

[No. 190.]

AN ACT to prescribe the manner of conducting and to prevent fraud and [deception] deceptions at elections in this State.

Who to be inspectors of election.

SECTION 1. *The People of the State of Michigan enact,* That at all elections at which any presidential elector, member of Congress, member of the Legislature, State or county officer or circuit judge is to be elected, or any amendments to the constitution, the supervisor, two justices of the peace (not holding the office of supervisor or township clerk), whose terms of office will first expire, and the township clerk of each township, and the assessor, if there be one, and

aldermen of each ward in a city, shall be [the] inspectors of election: *Provided*, That in all voting precincts where by special enactment, provisions exist for designating inspectors of election said provisions are not to be superseded, but such officers shall be the inspectors of election under this act. Proviso as to special enactments.

SEC. 2. In case four inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election the electors present may choose, *viva voce*, such number of said electors as, with the inspector or inspectors present, shall constitute a board of four in number; and such electors so chosen, shall be inspectors of that election, during the continuance thereof. When inspectors to be chosen, viva voce.

SEC. 3. In townships, the township clerk, if present, shall act as clerk of the election, and before the opening of the polls, the inspectors in each township shall appoint an elector to be a second clerk of the election; and if the township clerk shall not be present, the board shall appoint two such clerks, and the inspectors in each ward or voting precinct in a city shall designate one of their number to act as clerk and shall appoint one other elector as second clerk; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer. Starks of election.

SEC. 4. No election district or voting precinct under the provisions of this act shall contain more than five hundred electors according to the poll list of the last preceding general election. When any election district or voting precinct shall contain over five hundred electors it shall be the duty of the township board in townships and the city council in cities to divide such voting precincts into two or more election districts. In case of townships and incorporated villages so divided the provisions of chapter eight of Howell's Annotated Statutes shall apply to and govern all proceedings hereunder, with reference to such division, boards of registration, election inspectors and all matters arising therefrom not provided for by this act. In cities where no special provisions exist relative thereto, such division and all matters arising therefrom, not covered by the provisions of this act shall be provided for by ordinance of the common council of said city, and it is hereby made the duty of such common council to make all necessary rules and regulations in connection therewith to fully carry out the provisions of this section. Oath of office.

SEC. 5. On the day of election the polls thereof shall be opened at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day, and no longer; but in townships the board may adjourn the polls at twelve o'clock, noon, for one hour, in their discretion. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the Number of electors to a precinct, etc.

	closing of the polls, one hour, thirty minutes, and fifteen minutes respectively, before the closing thereof.
Of ballot boxes.	SEC. 6. There shall be provided and kept by the township clerk in each township at the expense of such township, and in each ward or voting precinct of any city by the city clerk or recorder at the expense of the city, one or more suitable ballot boxes, with lock and key, which ballot box shall have an opening through the lid of the proper size to admit a single closed ballot, through which each ballot received shall be passed into the box. He shall also
Election seal.	furnish a township or ward election seal, which shall contain the name of the township or ward and the words "election seal" around the margin thereof, and such other words or device thereon as the township board of the township or common council of the city may prescribe.
Care of box, key, etc.	SEC. 7. Before opening the poll, the ballot box shall be examined, and the contents, if any, removed therefrom; it shall then be locked, and the key thereof delivered to one of the inspectors, to be designated by the board. The said box shall not be opened during the election, except as provided by law in case of adjournments.
Chairman of board.	SEC. 8. When the supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall designate, shall be chairman.
Board of election commissioners for each county.	SEC. 9. In each county in the State, the judge of probate, county clerk and county treasurer, shall constitute a board of election commissioners, two of whom shall constitute a quorum and of which board the judge of probate shall be chairman and the county clerk shall be secretary. It shall be the duty of said board to prepare and distribute ballots and stamps for election of all officers for whom the electors are entitled to vote, and for all proposed constitutional amendments or other questions to be submitted to the electors of the State for popular vote in compliance with the provisions of law. The members of said board shall serve without compensation.
Duty relating to ballots, etc.	SEC. 10. The said board of election commissioners shall cause to be printed on the ballot the names of the candidates nominated by the regularly called conventions of any party, and it shall be the duty of the State, district or county committee of each political party to forward to the said board of election commissioners of each county in the State, not less than twenty days prior to any such election a copy of the vignette adopted by them and the names of all candidates nominated at any regularly called convention, at which candidates for any of the offices mentioned in section one of this act shall be nominated and no other names unless authorized or instructed by said convention. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective committees.
To print names on ballot, etc.	
Committees to forward names.	

SEC. 11. It shall hereafter be the duty of the State committee of any political party or organization in this State, before each election, to prepare and adopt by engraving or otherwise, a vignette, to be printed at the top of the column of such ballot assigned to such party, as a distinctive and characteristic heading thereto; such vignette shall not be more than one inch and a half square, and in addition to the device adopted, shall set forth legibly the name of such party. A proof copy of the ballot shall be on file at the office of the county clerk of each county and open for inspection by the candidates named thereon and by the chairman of each committee furnishing the names of candidates thereon, but by no other person, at least ten days prior to each election. And it shall be the duty of the board of election commissioners to correct such errors as may be found therein by such inspection.

Vignette provided for.

Size of.

Proof copy of ballot to be filed.

SEC. 12. When such vignette and heading shall have been adopted and prepared, an impression of the same, followed by the names of the candidates nominated at, or by the direction of the regularly called convention, printed and sealed up in an envelope, shall be filed with the county clerk of the county where such election is to be held, at least twenty days before such election; also a copy shall be filed with the Secretary of State at least twenty days prior to such election. Such ballots shall be kept by the Secretary of State and said county clerk on deposit, and from the time of said filing it shall be unlawful for any person to imitate, copy or in any manner counterfeit the same, or change the name of the candidate of such regular convention, except as herein provided, or by authority of such convention. Such vignette and heading shall remain as the heading for the column of such party organization on the ballots of all elections until changed by the proper committee, and notice thereof shall have been given to such county clerks and Secretary of State. It shall be the duty of the board of election commissioners to provide, at the expense of the county, a sufficient number of cuts of the several [vignettes] vignette provided for in this act from which to print the necessary number of ballots to be distributed by them.

Impression of vignette, etc., to be filed, etc.

To remain as ticket heading until changed, etc.

Board to provide cuts, etc.

SEC. 13. Whenever a proposed constitutional amendment, or other question is to be submitted to the electors of the State for popular vote, the Secretary of State shall duly, and not less than thirty days before election, certify the same to the clerk of each county in the State.

Secretary of State to certify amendment, etc.

SEC. 14. The board of election commissioners in each county shall cause the names of all candidates for the various offices mentioned in section one of this act to be voted for in each legislative district of said county at any election held pursuant to the provisions of this act to be printed on one ballot, all nominations of any party to be placed under

Printing of names on ballot, etc.

Amendments, etc.	the title and device of such party as designated by them in their certificate. And shall also cause any proposed constitutional amendments or other questions to be submitted to the electors of the State for popular vote, to be printed at the foot of said ballot in such convenient place as to be
Ballots to be uniform in size, etc.	readily distinguishable, one from the other. The ballots shall be of uniform size and of the same quality and color of paper, and sufficiently thick that the printing cannot be distinguished from the back. The list of candidates of each party shall be placed in a separate column of said ballot with the appropriate heading; and the arrangement of the ballot shall conform as nearly as may be to the
Plan of ballot.	following plan, and shall contain the specific instructions therein set forth, and no others:

OFFICIAL BALLOT.

INSTRUCTIONS.—First, mark or stamp a cross [X] in the square under the name of your party at the head of the ballot. If you desire to vote a straight ticket, nothing further need be done. If you desire to vote for candidates on different tickets, also erase the name of the candidate on your ticket you do not want to vote for and make a cross in the square before the name of the candidate you desire to vote for, or write his name in the space under the name erased. A ticket marked with a cross under the party name will be deemed a vote for each of the candidates named in such party column whose name is not erased. Before leaving the booth, fold the ballot so that the initials may be seen on the outside.

NAME OF OFFICE VOTED FOR.	VIGNETTE. DEMOCRATIC. <input type="checkbox"/>	VIGNETTE. REPUBLICAN. <input type="checkbox"/>	VIGNETTE. INDUSTRIAL. <input type="checkbox"/>
STATE.			
Governor.....	<input type="checkbox"/> Edwin B. Winans.	<input type="checkbox"/> James M. Turner.	<input type="checkbox"/> Lyman A. Brant.
Lieutenant Governor	<input type="checkbox"/> Frederick Braastad.	<input type="checkbox"/> Lemuel G. Dafoe.	<input type="checkbox"/> William A. Johnson.
Secretary of State.....	<input type="checkbox"/> Daniel E. Soper.	<input type="checkbox"/> Washington Gardner.	<input type="checkbox"/> William H. McKinstry
CONGRESSIONAL.			
Representative in Congress— fifth Congressional district.	<input type="checkbox"/> Edwin F. Uhl.	<input type="checkbox"/> Charles W. Watkins.	<input type="checkbox"/> Dudley O. Watson.
PRESIDENTIAL.			
Elector of President and Vice President — fifth Congres- sional district.....	<input type="checkbox"/> Arthur S. White.	<input type="checkbox"/> Frederick W. Maynard	<input type="checkbox"/> John W. Hayward.
Elector of President and Vice President—Eastern district.	<input type="checkbox"/> Isaac M. Weston.	<input type="checkbox"/> Jakey Earnstein.	<input type="checkbox"/> John Miner.
LEGISLATIVE.			
State Senator — twenty-first district.....	<input type="checkbox"/> Albert K. Roof.	<input type="checkbox"/> Selig Solomon.	<input type="checkbox"/> John M. Herz.
Representative—first district.	<input type="checkbox"/> Vincent P. Cash.	<input type="checkbox"/> DeVere Hall.	<input type="checkbox"/> William B. Jackson.
COUNTY.			
Sheriff	<input type="checkbox"/> Charles B. Pratt.	<input type="checkbox"/> William Hahn.	<input type="checkbox"/> James Hanley.
Judge of Probate.....	<input type="checkbox"/> Jay L. Newberry.	<input type="checkbox"/> Grant M. Morse.	<input type="checkbox"/> Frank Porter.
Treasurer.....	<input type="checkbox"/> J. Warren Peake.	<input type="checkbox"/> John V. N. Gregory.	<input type="checkbox"/> Frank W. Cook.

Printed by Authority.

In case of death
of candidate, etc.

Pasters to be
provided, etc.

When name to be
printed in, etc.

Duty, etc., of
printer of
ballots.

Board to furnish
ballots, etc.

(If amendments,
etc.

SEC. 15. In case of the death, removal or withdrawal of any candidate after the printing of such ballots, and before such election, the chairman of the State, district or county committee of the political party to which such candidate belonged shall transmit to the county clerk the name of the person selected by such party to fill such vacancy, and said county clerk shall provide the election board of each precinct, in which such candidate is to be voted for, with a number of pasters containing only the name of such new candidate, at least equal to the number of ballots provided for such precinct but no pasters shall be given to, or received by any one, except such election board and such chairman, and it shall be the duty of the chairman of the board of inspectors of election to put one of such pasters in a careful and proper manner, in the proper place on each ballot before it shall be given to any elector for the purpose of voting. In case of such death, removal or resignation before the printing of such ballots the name of the person selected in the place of such candidate shall be communicated by the proper committee of the political organization to which such candidate belonged, and the necessary change in such ballot shall be made by the board.

SEC. 16. It shall not be lawful for the printer of such ballots, or any other person to give, or deliver to, or knowingly permit to be taken, any of said ballots, by any person other than a member of the board of election commissioners, for which such ballots are being printed, or to print or cause or permit to be printed, any ballot in any other form than the one prescribed by this act, or with any other name thereon, or with the names misspelled or the names or devices thereon arranged in any other way than that authorized and directed by the said board of election commissioners.

SEC. 17. It shall be the duty of the board of election commissioners of each county to provide a sufficient number of ballots, at least two to each elector according to the vote at the last preceding general election. They shall also provide and inclose in each package of official ballots to be delivered to some member of the board of election inspectors of each voting precinct, as hereinafter provided, as many stamps bearing a cross [×], together with ink pads, erasing stamp or other apparatus necessary for use, as may be necessary, at least two stamps or other apparatus being furnished for every booth erected as hereinafter provided. And the board of election commissioners of each county shall audit and issue their warrants for the same, which shall be paid by the county treasurer out of the general fund of the county.

SEC. 18. Whenever a constitutional amendment or other question is proposed to be voted upon by the electors the substance of such amendment or other question shall be clearly indicated upon the ballot and below the same upon the ballot shall be placed in separate lines the words "Yes" and "No." The elector shall designate his vote by a cross mark, [×] placed opposite the word "Yes" or the word "No."

SEC. 19. It shall be the duty of the chairman of the board of election inspectors of each voting precinct in each county, or in case he cannot attend, some other member of such board, authorized in writing by [the] said chairman, to appear at the office of the county clerk of his county, not more than four nor less than two days before each election, and the board of election commissioners shall deliver to him, in a sealed package, the ballots and the stamps provided for his precinct. The necessary number of ballots shall be wrapped and tied in packages, and securely sealed with wax, and the chairman of said board, or some other member thereof duly authorized therefor, shall make and sign a certificate setting forth the number of ballots in such package, and that such ballots were packed and sealed by himself personally, and upon delivery of such package and said certificate to said inspector of elections he shall receipt for the same; and for the safe sealing of such ballots, the county board of election commissioners shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the election board of the respective voting precincts, to which they are directed, when said boards shall be fully organized and ready for the reception of votes as in this act provided.

Duty of chairman to procure ballots, etc.

How ballots put up, etc.

When to be opened, etc.

SEC. 20. In case none of the board of election inspectors of any precinct shall appear at the office of the county clerk within the time above specified, the board of election commissioners shall forthwith dispatch a special messenger to such precinct, with the ballots and stamps for such precinct, wrapped, tied and sealed as aforesaid, who shall deliver the same to one of the election inspectors or some responsible elector of such precinct, to be designated by the board of election commissioners, who may receipt therefor and whose duty it shall be to deliver the same to the inspectors at the polling place before seven o'clock in the forenoon of the day of election. Such messenger shall promptly report to such clerk and file with him the receipt of the person to whom he delivered such ballots and stamps, and his affidavit stating where, when and to whom he delivered the same.

When board to send ballots, etc.

To file receipt for ballots.

SEC. 21. In all townships, and all voting precincts in cities, the township board of each township, and the various officers whose duty it may be to designate and prescribe the place or places of holding general elections in the several cities, wards, election districts and voting precincts, throughout the State, shall provide for, and cause to be erected in the room where elections are to be held, a railing or fence four feet in height, which railing or fence shall be placed through and across the room, and shall cause gates to be erected in said railing. The entrance gate shall be in charge of a gate keeper appointed at the opening of the polls by the board of election inspectors, and duly sworn to allow no person to pass through said gate and enter said railing except as otherwise provided in this act, except to vote or to assist some elector in the preparation

Railing or fence to be erected in voting room, etc.

Entrance to be in charge of gate keeper, etc.

Who allowed
inside railing.

Booths to be
erected.

Exit gate and
keeper.

Ballots to be
opened, etc.

Inspector to re-
ceive and mark
ballots, etc.

Ballots to be de-
livered to elec-
tor, etc.

Challenger to be
designated, etc.

Authority of
challenger.

Removal, etc.

of his ballot, as provided in this act, and no person shall be allowed to be inside of said railing, except to vote, or to assist an elector in the preparation of his ballot as hereinafter provided, and as soon as the elector has voted he shall retire without and shall not again be admitted within the railing, and only as many electors as there are booths shall be allowed within the railing at one and the same time, and the electors shall be admitted in the order in which they shall apply. The entrance gate shall be placed at one side of the room, and on the inside of said gate a booth or temporary room shall be erected. At least one such booth shall be provided at each polling place, and not less than one for each hundred persons entitled to vote thereat, as shown by the last preceding registration of electors, and built with walls not less than six feet high, and in such [a] manner that the person preparing the ballot shall be concealed from all other persons. Said railing shall also contain an exit gate, which shall be under the care of an officer appointed by the board and duly sworn, as above.

SEC. 22. At the opening of the polls, after the organization of, and in the presence of the board of inspectors, one of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then deliver to one of the inspectors, to be designated by the board, fifty of the ballots, and shall place the stamps for marking the ballots in the booths, two in each. The inspector so designated shall at once proceed to write his initials in ink on the upper left hand corner of the back of each of said ballots in his ordinary hand writing, and without any distinguishing mark of any kind. As each successive elector calls for a ballot another one of the inspectors shall deliver to him the first signed of the fifty ballots, and as the supply of ballots in the hands of the inspectors shall decrease, additional ballots shall be signed by the same inspector, so that at least twenty-five ballots so signed, shall be at all times in the hands of the inspector delivering the ballot to the elector.

SEC. 23. At every election, each of the political parties shall have the right to designate and keep a challenger at each place of voting, who shall be assigned such position immediately adjoining the inspectors, inside the polling place, as will enable him to see each person as he offers to vote, and who shall be protected in the discharge of his duty by the inspectors and the police. Authority, signed by the recognized chairman or presiding officer of the chief managing committee of a party in such county or township, city, ward or voting precinct, shall be sufficient evidence of the right of such challenger to be present inside the room where the ballot box is kept. The chairman appointing any challenger may, at his discretion, remove him and appoint another. Any challenger shall have the right and privilege of remaining during the canvass of the votes and until the returns are duly signed and made.

SEC. 24. If any person offering to vote shall be challenged as unqualified by any inspector, challenger or elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an elector; and if such person shall state that he is a qualified elector, and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote:

Challenge of voter.

When oath to be tendered.

1. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State three months next preceding this day, and in this township, ward or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election;" or,

Form of oath.

2. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this State on the twenty-fourth day of June, eighteen hundred and thirty-five, that you have resided in this State three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election;" or,

Idem.

3. "You do solemnly swear (or affirm) that you are twenty-one years of age, and that you resided in this State on the first day of January, eighteen hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election;" or,

Idem.

4. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you have resided in this State two years and six months, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this State three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election;" or,

Idem.

5. "You do solemnly swear (or affirm) that you are twenty-one years of age, and that you are a native of the United States, that you are a civilized inhabitant of Indian descent, and not a member of any tribe, that you have resided in this State three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election."

Idem.

If the person so challenged shall take such oath, his vote shall be received; but if he shall swear falsely, upon con-

False swearing perjury.

	viction thereof, he shall be liable to the pains and penalties of perjury.
Duty of inspectors to challenge, etc.	SEC. 25. It shall be the duty of each inspector to challenge every person offering a ballot whom he shall know or suspect to be disqualified as an elector; and the board of inspectors shall possess full authority to maintain regularity and order, and to enforce obedience to their lawful commands during an election, and during the canvass of the votes after the poll is closed.
Manner of voting, etc.	SEC. 26. When an elector shall not be challenged or shall have taken the necessary oath or affirmation he shall be permitted to vote. On entering the room the inspector holding the ballots shall deliver to him one of them, and on request shall give explanation of the manner of voting; if deemed necessary by the board, an interpreter may be called. The elector shall then and without leaving the room, go alone into a booth which is unoccupied and indicate the candidates for whom he desires to vote as follows: Any elector may mark or stamp a cross in the space below the party name printed at the head of the ballot. If marked thus such ballot shall be counted for all the nominees of such party whose names appear on the ballot in that column. If the voter shall have erased some name in the column, or marked a × before the name of a candidate in some other column for the same office, or written in a name under the name of any candidate, the name of such candidate shall not be counted as voted for by such ballot, but if the name of the candidate shall have been erased such vote shall be counted for the candidate whose name in another column shall have been marked or whose name shall be written under the name erased. Such elector may also indicate his preference on any constitutional amendment, or other question by stamping or making a cross [×] in front of the words "yes" or "no" under such questions.
How ballot to be marked by voter, etc.	Before leaving the booth, the elector shall fold his ballot so that no part of the face thereof shall be exposed, and so that the initials of the inspector shall be on the outside thereof, and on leaving the booths shall at once deliver in public view such ballot to the inspector designated to receive the same, who shall thereupon announce audibly the name of the elector offering the same. Before the ballot is deposited in the box, the poll clerks shall enter the name of such elector on their respective poll lists and number the same consecutively. The inspector shall then in presence of the elector and of the board of inspectors deposit the same in the ballot box without opening the same: <i>Provided, however,</i> If any elector shall show his ballot, or any part thereof, to any person (other than one lawfully assisting him in the preparation thereof), after the same shall have been marked, so as to disclose any of the candidates voted for, such ballot shall not be received or deposited in the ballot box. In case such elector shall so
Elector to fold ballot, etc.	
Poll clerk to enter name, etc.	
Proviso as to showing ballot, etc.	

expose his ballot his name shall be entered on the poll lists with a minute of such occurrence and such elector shall not be allowed to vote thereafter at said election. The elector shall then leave the room, but no elector to whom a ballot has been delivered shall be permitted to leave the room without voting the ballot or returning it to the inspector from whom he received it. Any elector who shall attempt to leave the room with a ballot or stamp in his possession shall be at once arrested on demand of any member of the board of inspectors if he shall refuse to deliver the same upon request.

Elector must vote or return ballot, etc.

SEC. 27. At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and in case the same do not agree shall, under the direction of the board, correct all mistakes that may be discovered, until such poll lists shall be made in all respects to correspond.

Clerks to compare poll lists, etc.

SEC. 28. The ballot box shall then be opened and the poll list placed therein, the box locked, and at least five minutes before the removal of the same a piece of leather (or canvas) so placed as to extend from the opening in the lid of said ballot box to the key-hole in such a manner as to completely cover both such holes, shall be placed thereon, and the same securely fastened thereon with sealing wax stamped with the official election seal of such township or ward, such piece of leather (or canvas) and the sealing wax to be so arranged as to render it impossible to open either of said holes without breaking said seal. The key shall then be delivered to one of the inspectors, the box to another, and the seal to another. Such box shall not be opened nor the seal broken until the box has been publicly exposed at least five minutes before the reopening of the poll.

Care of ballot box, key, etc.

SEC. 29. The inspector having the key shall keep it in his possession, and deliver it again to the board at the next opening of the poll, and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it in that state to the board of inspectors at the next opening of the poll, when the seal shall be broken and the box opened, the poll lists taken out, and the box again locked.

Return and opening of box, etc.

SEC. 30. No ballot shall be distributed by any person other than one of the inspectors of election, nor in any place except within the railing of the voting room, to electors about to vote and no ballot which has not the initials of a member of the board of election written by such member on the back thereof shall be placed in the ballot box.

Distribution of ballots, etc.

SEC. 31. Uniform printed instructions to voters, printed in large type upon cards, shall be furnished by the Secre-

Printed instructions to voters to be furnished, etc.

Instructions in foreign language.	<p>tary of State to the county clerk of each county, containing any information that will enable voters to quickly make and correctly designate their choice, and the county clerks shall furnish such cards to the city and township clerks in the county. Such clerks shall furnish such cards to each polling place, one of which shall be hung in each compartment, two in the polling room, and three on the outside of the building in which the voting takes place. Whenever the clerk of any county notifies the Secretary of State that the printed instructions are also needed in a foreign language, and such language is stated, then it shall be the duty of the Secretary of State to furnish such printed instructions in such foreign language. In case of necessity the chairman may employ an interpreter.</p>
When voter may have assistance, etc.	<p>SEC. 32. When any elector shall make oath that he cannot read English, or that because of physical disability he cannot mark his ballot, or when such disability shall be made manifest to said inspectors his ballot shall be marked for him in the presence of at least two of the inspectors by an inspector designated by the board for that purpose who is not a candidate on said ticket.</p>
Unlawful to influence voter.	<p>SEC. 33. It shall be unlawful for the board, or any of them, or any person in the polling room or any compartment therewith connected, to persuade or to endeavor to persuade any person to vote for or against any particular candidate or party ticket.</p>
Voting for more than one person, etc.	<p>SEC. 34. If the elector votes for more than one candidate for the same office, said ballot shall not be counted for those persons, but shall be as to them null and void. If any elector inadvertently spoils a ballot he may obtain another from the board by returning such spoiled ballot to the board, who shall preserve the same for return to the city or township clerk.</p>
Spoiled ballot.	<p>SEC. 35. The board of inspectors of election, shall preserve the unused ballots together with the ballots which have been spoiled, and return the same to the city or township clerk, with a statement of the number of ballots used, and there shall be given by the clerk to the inspectors of election a receipt therefor, which shall be filed with the chairman of the board.</p>
Board to preserve unused ballots, etc.	<p>SEC. 36. Immediately on closing the polls, the board shall proceed to canvass the votes. Such canvass shall be public and shall commence by a comparison of the poll lists and a correction of any mistakes that may be found therein until they shall be found or made to agree. The box shall then be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of the electors voting according to the poll lists they shall be replaced in the box and one of the inspectors shall publicly draw out and destroy so many ballots therefrom unopened as shall be equal to such excess. They shall first select and count the straight tickets, and give the number to each candidate voted for on</p>
Canvass of votes, how conducted.	
Counting of votes, etc.	

the straight ticket. All other tickets shall be laid on the table and counted in regular order in such subdivisions thereof as may be convenient for a prompt and careful determination of the result of such election. In the canvass of the votes, any ballot which is not indorsed with the initials of the inspector as provided in this act, and any ballot which shall bear any distinguishing mark or mutilation shall be void, and shall not be counted, and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates shall be void as to the candidate or candidates thereby affected: *Provided, however,* That all such ballots shall be preserved, marked by the inspectors (not counted) and kept separate from the others by being tied or held in one package by a rubber band or otherwise.

What ballots void, etc.

Proviso.

SEC. 37. After the ballots are counted they shall, together with one tally-sheet, be placed in the ballot box which shall be securely sealed in such a manner that it cannot be opened without breaking such seal. The ballot box shall then be placed in charge of the township or city clerk, but the keys of said ballot box shall be held by the chairman of the board and the election seal in the hands of one of the other inspectors of election.

Disposition of ballots, box, etc.

SEC. 38. After the count of the tickets or ballots has been completed, the result shall be immediately publicly declared, and the number of votes received by each candidate or person on the ticket, shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in duplicate showing the whole number of votes for each office, the names of the persons for which such votes were given and the number each person received. Such statement, when certified by the inspectors and duly signed, shall be delivered, one copy to the township clerk, to be filed by him in his office and the other to the inspector appointed by the board to attend the county canvass.

Result to be publicly declared, etc.

Statement of result.

SEC. 39. The gate keepers of elections shall be peace officers at polling places, and are hereby delegated power equal to constables for the purpose of maintaining peace and quiet at the polls on election day. They shall have charge of and keep the gates at polling places and shall not allow any person to approach within the railing provided for in section sixteen, except those authorized by law, and qualified electors, whom they shall allow to pass through the gates and approach the ballot box or boxes for the purpose of voting; and they shall admit one elector at a time only to vote, and shall cause said elector to retire without the gate and railing as soon as he has voted; and no person shall in any manner interfere with a gate keeper of election in the discharge of his duty, and it shall be unlawful for the gate keepers to aid, assist, suggest, advise or entreat an elector to prepare his ballot in a particular manner, or to coerce or

Powers and duties of gate keepers, etc.

Penalty for interference with, etc.

Eligibility of gate keepers.	attempt to coerce an elector in any way to vote or to refrain from voting for any particular person or party. No person shall be eligible to fill the office of gate keeper of election on any election day when his name shall be on any ticket at said election. Gate keepers of [elections] election shall be at the polling place at the opening of the polls, and shall remain there until the closing of the polls, and shall receive as compensation two dollars per day for each day's work while actually engaged.
Compensation.	
Elections shall not be held in saloons, etc.	SEC. 40. No election shall be held, nor shall any election be appointed to be held in any saloon or bar room, or in any room or place contiguous with or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated, the inspectors of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be, not subject to like objection. Said inspectors shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them, and at the time of said adjournment, give public notice to the electors present by proclamation of such change, and post in a conspicuous manner notice of the place where such election shall be held, and all expenses attending such change shall be certified by said inspectors to the proper authorities and shall be allowed and paid accordingly.
When inspectors to change polling place.	
Inspectors to meet, etc.	
Notice of change, etc.	
Liquors, bringing in, etc., a misdemeanor, etc.	SEC. 41. Any person or persons introducing in any way, upon election day, into the building where an election is being held, any spirituous or malt liquors, and any inspector or clerk of election drinking any such liquors in such place, or being intoxicated therein upon election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment, in the discretion of the court.
Penalty for.	
Time voter may remain in booth.	SEC. 42. The board of election may make such regulations as they deem proper, limiting the time in which an elector may remain in the room or booth while preparing and voting his ballot; such limitation, however, shall not be less than one nor more than five minutes.
Certain things made unlawful.	SEC. 43. It shall not be lawful for any candidate for any elective office, with intent to promote his election, or for any other person, with intent to promote the election of any such candidate, either: <i>First</i> , To provide or furnish entertainment at his expense to any meeting of electors, previous to, or during the election at which he [shall] may be a candidate: or, <i>Second</i> , To pay for, procure, or engage to pay for any such entertainment; or,

Third, To furnish any money or other property to any person, for the purpose of being expended in procuring the attendance of voters at the polls; or,

Fourth, To engage to pay any money, or deliver any property, or otherwise compensate any person for procuring the attendance of voters at the polls; or,

Fifth, To contribute money for any other purpose intended to promote an election of any particular person or ticket, except for defraying the expenses of printing, and the circulation of hand bills and other papers previous to any such election, or for conveying sick, or infirm electors to the polls.

SEC. 44. It shall be the duty of every candidate for any office named in this act, and of the chairman of every State, district, and county committee of each political organization, within twenty days after each election held pursuant to the provisions of this act, to make and file an affidavit stating the amount of money expended by such candidate or committee in and about the canvass of such candidate or political organization in connection with such election, and further showing that no expenditures have been made by such candidate or political organization or by any person in his or its behalf to the knowledge or belief of the person making such affidavit, for any purpose prohibited by this act. Such affidavit, when made by the chairman of the State committee or a candidate for any State office, shall be filed in the office of the Secretary of State, when made by the chairman of any district committee or a candidate for the office of presidential elector, member of Congress, State senator, or representative, in the office of the clerk of the county to which election returns for said district are made, and when made by the chairman of any county committee or candidate for a county office, in the office of the clerk of such county. Willful false swearing in this or in any other matter herein required to be under the oath of any person shall be deemed perjury and punishable accordingly.

Candidate and committees to make statement of expenses, etc.

Statement to be filed, etc.

False swearing to be perjury.

SEC. 45. Any person who shall knowingly violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duty enjoined upon him hereby, or shall disclose to any other person the name of any candidate voted for by any elector, the contents of whose ballot shall have been seen by such person, or shall in any manner obstruct or attempt to obstruct any elector in his exercise of his duties as such elector under this act, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State Prison not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

Violation of act to be felony.

Penalty therefor.

SEC. 46. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Repealing clause.

This act is ordered to take immediate effect.

Approved July 3, 1891.

- expire, or shall have heretofore expired, by limitation, under the terms of its articles of incorporation, leaving any mortgage, lien or incumbrance upon its real estate, upon which there shall remain any sum owing and unpaid, it shall be lawful for the holder or owner thereof to file his bill in the circuit court in chancery, in the county where said real estate, or some portion thereof, is situate, for the foreclosure of such mortgage, or the enforcement of such lien or incumbrance, and proceed therein to a final decree and sale, the same, and with the same force and effect, as though the term of the corporate existence of said corporation had not expired: *Provided*, The complainant shall make the corporation and all the stockholders thereof, as far as known, defendants to said bill.
- Service of subpoena, etc.** SEC. 2. After the filing of a bill of complaint in such case, a subpoena may issue and be served upon such corporation, by serving a copy of such subpoena upon the last president, vice president, secretary or treasurer of said corporation, if found within this State, and if no such officer shall be found in this State, on satisfactory proof by affidavit that [none of said officers can be found in this State, or that] none of them reside therein, the circuit judge of the court in which said suit or proceeding shall have been or shall hereafter be commenced, shall have full power and authority to make an order for the appearance of such defendant corporation at a day therein to be specified, in like manner as is provided by law for the bringing in of non-resident [defendants] defendant in courts of chancery and all the provisions [of] by law governing the practice of courts of chancery relative to the publication of such notice and the subsequent proceedings thereunder shall apply to and govern proceedings had under the provisions of this act and absent or non-resident stockholders made defendants in such suit or proceedings may be brought in in like manner.
- Proceedings.** SEC. 3. All other proceedings in such matter shall be according to the usual rules and practice of courts of chancery in this State, and the final decree and sale, if any, shall have the same force and effect as in ordinary foreclosure proceedings in chancery.
- Of other proceedings, etc.** This act is ordered to take immediate effect.
Approved July 3, 1891.

[No. 194.]

AN ACT to prescribe the manner of conducting municipal and township elections and to prevent fraud and deception thereat.

To be governed
by general law,
etc.

SECTION 1. *The People of the State of Michigan enact*, That all elections hereafter held in the various cities, villages and [townships] township in this State, shall be in

conformity with the provisions of the laws governing general elections so far as the same shall be applicable thereto, and all the provisions of such laws relative to the boards of election inspectors, the arrangement of polling places, the manner of voting and receiving votes, and the canvass and declaration of the result of such election, are hereby made applicable to such municipal and township elections, but the time for the opening and closing of the polls shall not be affected thereby.

SEC. 2. The township board of each township, and such persons as shall be elected therefor by the common councils of the various cities and villages in this State, shall be the board of election commissioners for such township, city, or village respectively, and shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties, and like duties and privileges as are enjoined and granted by the laws governing general elections upon the various committees of the different political organizations are hereby prescribed for the city, village, or township committees in elections held pursuant hereto; except that it shall not be necessary for the committees of the different political organizations to furnish a vignette or heading for the ballots other than to designate the name of the party or political organization which they represent.

Who to be election commissioners, etc.

Vignette not necessary, etc.

SEC. 3. In municipalities governed by this law, the names of candidates shall be given by the committees of the various political organizations to the board of election commissioners of such municipality not less than five days before each election, and the proof copy of the ballot shall be open to the inspection of the chairman of each committee at the office of the township clerk, and city or village clerk or recorder, not less than two clear secular days before such election.

Committees to furnish names, etc.

This act is ordered to take immediate effect.

Approved July 3, 1891.

[No. 195.]

AN ACT providing for the erection of a cottage at the Eastern Michigan Asylum at Pontiac, for the purchase of additional land for said asylum and making provision for the payment for the same.

SECTION 1. *The People of the State of Michigan enact,* That the board of trustees of the Eastern Michigan Asylum at Pontiac be and are hereby authorized to contract for and purchase pieces and parcels of land adjoining said asylum land not exceeding fifty acres, the title of the same to be unincumbered and to be vested in the State of Michigan.

May purchase land.

- expire, or shall have heretofore expired, by limitation, under the terms of its articles of incorporation, leaving any mortgage, lien or incumbrance upon its real estate, upon which there shall remain any sum owing and unpaid, it shall be lawful for the holder or owner thereof to file his bill in the circuit court in chancery, in the county where said real estate, or some portion thereof, is situate, for the foreclosure of such mortgage, or the enforcement of such lien or incumbrance, and proceed therein to a final decree and sale, the same, and with the same force and effect, as though the term of the corporate existence of said corporation had not expired: *Provided*, The complainant shall make the corporation and all the stockholders thereof, as far as known, defendants to said bill.
- Proviso.**
- Service of subpoena, etc.** SEC. 2. After the filing of a bill of complaint in such case, a subpoena may issue and be served upon such corporation, by serving a copy of such subpoena upon the last president, vice president, secretary or treasurer of said corporation, if found within this State, and if no such officer shall be found in this State, on satisfactory proof by affidavit that [none of said officers can be found in this State, or that] none of them reside therein, the circuit judge of the court in which said suit or proceeding shall have been or shall hereafter be commenced, shall have full power and authority to make an order for the appearance of such defendant corporation at a day therein to be specified, in like manner as is provided by law for the bringing in of non-resident [defendants] defendant in courts of chancery and all the provisions [of] by law governing the practice of courts of chancery relative to the publication of such notice and the subsequent proceedings thereunder shall apply to and govern proceedings had under the provisions of this act and absent or non-resident stockholders made defendants in such suit or proceedings may be brought in in like manner.
- Proceedings.**
- Of other proceedings, etc.** SEC. 3. All other proceedings in such matter shall be according to the usual rules and practice of courts of chancery in this State, and the final decree and sale, if any, shall have the same force and effect as in ordinary foreclosure proceedings in chancery.
- This act is ordered to take immediate effect.
Approved July 3, 1891.

[No. 194.]

AN ACT to prescribe the manner of conducting municipal and township elections and to prevent fraud and deception thereat.

To be governed by general law, etc. SECTION 1. *The People of the State of Michigan enact*, That all elections hereafter held in the various cities, villages and [townships] township in this State, shall be in

conformity with the provisions of the laws governing general elections so far as the same shall be applicable thereto, and all the provisions of such laws relative to the boards of election inspectors, the arrangement of polling places, the manner of voting and receiving votes, and the canvass and declaration of the result of such election, are hereby made applicable to such municipal and township elections, but the time for the opening and closing of the polls shall not be affected thereby.

SEC. 2. The township board of each township, and such persons as shall be elected therefor by the common councils of the various cities and villages in this State, shall be the board of election commissioners for such township, city, or village respectively, and shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties, and like duties and privileges as are enjoined and granted by the laws governing general elections upon the various committees of the different political organizations are hereby prescribed for the city, village, or township committees in elections held pursuant hereto; except that it shall not be necessary for the committees of the different political organizations to furnish a vignette or heading for the ballots other than to designate the name of the party or political organization which they represent.

Who to be election commissioners, etc.

Vignette not necessary, etc.

SEC. 3. In municipalities governed by this law, the names of candidates shall be given by the committees of the various political organizations to the board of election commissioners of such municipality not less than five days before each election, and the proof copy of the ballot shall be open to the inspection of the chairman of each committee at the office of the township clerk, and city or village clerk or recorder, not less than two clear secular days before such election.

Committees to furnish names, etc.

This act is ordered to take immediate effect.

Approved July 3, 1891.

[No. 195.]

AN ACT providing for the erection of a cottage at the Eastern Michigan Asylum at Pontiac, for the purchase of additional land for said asylum and making provision for the payment for the same.

SECTION 1. *The People of the State of Michigan enact,* That the board of trustees of the Eastern Michigan Asylum at Pontiac be and are hereby authorized to contract for and purchase pieces and parcels of land adjoining said asylum land not exceeding fifty acres, the title of the same to be unincumbered and to be vested in the State of Michigan.

May purchase land.

May erect
cottage.

SEC. 2. The trustees of [the] said Eastern Michigan Asylum are hereby authorized to erect a suitable cottage for the accommodation of patients of the said asylum on lands belonging to the State of Michigan.

Money for such
purposes.

SEC. 3. For the purpose of the purchase of said land and the erection of said cottage the trustees of said Eastern Michigan Asylum are hereby authorized to expend any surplus fund in the treasury of the said asylum not exceeding twenty-five thousand dollars.

This act is ordered to take immediate effect.

Approved July 3, 1891.

[No. 196.]

AN ACT to incorporate mutual benefit societies, membership in which is confined to a single city, village or township.

Who may incor-
porate.

SECTION 1. *The People of the State of Michigan enact,* That any society heretofore or hereafter organized, the membership in which is confined to the residents of a single township, village, or city, and having for its object the payment of a sum or sums of money to designated beneficiaries on the death of a member, or the payment of sick or funeral benefits, or all or any one of such objects, may become a body corporate in the following manner: At any regular meeting of such society, due notice having been given at the preceding regular meeting, a vote shall be taken on the question, "Shall this society become a body corporate?" and when said question shall have been adopted by a vote of two-thirds of the members present and voting thereon, said society shall file in the office of the Secretary of State, and also in the office of the county clerk, a copy of the constitution and by-laws of said society, and also a copy of the above vote certified to by the president and secretary of said society, and said society shall thereupon become a body corporate and may sue and be sued.

Manner of in-
corporation.

Copy to be
filed, etc.

Shall not issue
stock, etc.

SEC. 2. No corporation formed in accordance with the provisions of this act shall issue stock, or borrow money, or hold invested funds, or acquire or hold any real estate except such as may be necessary for the transaction of its business.

How funds de-
rived, etc.

SEC. 3. The funds of such corporation shall be derived from assessments upon members, and shall be collected and applied only as prescribed in its constitution and by-laws.

To report
annually.

SEC. 4. Every such corporation shall, annually, after each new election of officers, report to the insurance commissioner the location of its office, the names of its president, secretary and treasurer, and such other information as said commissioner may require, and shall be subject to the supervision of said commissioner according to the provisions of sections fifteen and twenty-two of act one hundred and

Subject to
supervision.

eighty-seven of the public acts of one thousand eight hundred and eighty-seven, so far as the same may be applicable thereto.

This act is ordered to take immediate effect.

Approved July 3, 1891.

[No. 197.]

AN ACT to authorize the consolidation of street railway and electric light companies.

SECTION 1. *The People of the State of Michigan enact,* Consolidation authorized.
That any company organized under chapter ninety-five of Howell's Annotated Statutes of Michigan, entitled "Street Railway Companies" may consolidate with any company organized and in operation under chapter one hundred and twenty-seven of said statutes, entitled "Electric Light Companies," where such companies are located and carry on business in the same [towns, cities, or villages,] town city or village and may form a single corporation. And for this purpose the directors of said two corporations may enter into an agreement under the corporate seal of each, for the consolidation of the said two corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company, which number shall not be less than three, nor more than seven, the time and place of holding the first election of directors after the consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said two corporations, as hereinafter provided, the number of shares of capital stock in the new corporation; the amount of each share; the manner of converting the shares of capital stock in each of said two corporations into shares in such new corporation with such other details as they shall deem necessary to perfect such consolidation of said corporations, and such new corporation shall possess all the powers, rights and franchises conferred upon such two corporations, and shall be subject to all [the] restrictions, and perform all the duties imposed by the provisions of their respective charters, or laws of organization, not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said two corporations until after the written consent of all the stockholders of each of said corporations has been obtained thereto, and when such agreement of the directors has been so sanctioned by the stockholders, in the manner above mentioned, then such agreement of the directors shall be deemed to be the How effected.
Powers and duties of new corporation, etc.
When agreement valid, etc.

Certified copy to be evidence, etc. agreement of the said two corporations. A copy of said contract or consolidation agreement filed in pursuance of this act with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said two companies, and [of] all the facts therein stated.

When consolidation effected, etc. SEC. 2. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate thereof in the office of the Secretary of State, the said two corporations mentioned or referred to in this section shall be merged into the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein. And all and singular, the rights and franchises of each and all of said two corporations, parties to such agreement, and all and singular, their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer, and such new corporation shall hold and enjoy the same, together with all other rights of property, in the same manner and to the same intent, as if the said two corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporation; and the titles and the real estate acquired by either of said two corporations shall not be deemed to revert or be impaired by means of anything in this act contained: *Provided*, That all rights of creditors and all other liens upon the property of either of said corporations parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: *And provided further*, That all the debts, liabilities and duties of either company shall thenceforth attach to such new corporation, and be enforced against the same, to the same extent, and in the same manner as if such debts, liabilities and duties had been originally incurred by it.

Proviso.

Further proviso.

This act is ordered to take immediate effect.

Approved July 3, 1891.

[No. 198.]

AN ACT to provide for the submission to the people of this State, of the question of a convention for the purpose of a general revision of the constitution of this State.

SECTION 1. *The People of the State of Michigan enact*, That, on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and ninety-two, the question of a convention for the purpose of a gen-

Question to be submitted to a vote.

eral revision of the constitution of this State, to meet on the first Tuesday in December, in the year one thousand eight hundred and ninety-three, shall be submitted to the people of this State.

SEC. 2. The Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State in the same manner that he is now required to do in the case of the election of Governor, or Lieutenant Governor, and the inspectors of election in the several townships and cities in this State, shall prepare suitable boxes for the reception of ballots cast for or against such proposition. Each person voting for said proposition shall have written or printed, or partly written and partly printed, on his ballot the words, "Convention for the purpose of a general revision of the Constitution of this State—Yes;" and each person voting against said proposition the words "Convention for the purpose of a general revision of the Constitution of this State—No." The ballot shall in all respects be canvassed, and returns be made, as in election of Governor and Lieutenant Governor.

Secretary of State to give notice, etc.

Duty of inspectors of election.

Ballots.

Canvass, etc.

Approved July 3, 1891.

[No. 199.]

AN ACT to amend section ten of chapter one hundred and forty-eight of the public acts of eighteen hundred and sixty-nine, entitled "An act to revise and consolidate the several acts relating to the support and maintenance of poor persons," approved April fifth, eighteen hundred and sixty-nine, the same being compiler's section eighteen hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, and being compiler's section seventeen hundred and sixty-four of Howell's Annotated Statutes of Michigan.

SECTION 1. *The People of the State of Michigan enact,* That section ten of chapter one hundred and forty-eight of the public acts of eighteen hundred and sixty-nine, entitled "An act to revise and consolidate the several acts relating to the support and maintenance of poor persons," approved April fifth, eighteen hundred and sixty-nine, the same being compiler's section eighteen hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, and being compiler's section seventeen hundred and sixty-four of Howell's Annotated Statutes, be and the same is hereby amended so as to [read] as follows:

Section amended.

SEC. 10. In all cases where relief has been afforded as provided in section eight of this chapter, said supervisor shall, within ten days, make in writing to the superintendents of the poor of the county, a report of his doings in every case of relief so afforded, specifying the articles furnished, and the value of each item thereof, and the names

Supervisor shall report to superintendents, etc.

Also to board of supervisors, etc. of the persons relieved, and shall also file a copy of said report with the clerk of the township or city, or city recorder where such supervisor resides, and the said supervisor shall make to the board of supervisors at their annual meeting a statement in writing showing the number of persons to whom such temporary relief has been granted, and the names of such persons, and the amount granted to each with the items of such expenditures and also the number of persons, with the names of each, removed to the county poor house from each township and city by the order of the supervisors of such township or city, and the date of such removal.

Approved July 3, 1891.

[No. 200.]

AN ACT to provide for the assessment of property and the levy of taxes thereon, and for the collection of taxes heretofore and hereafter levied, and to repeal act number one hundred and ninety-five of the session laws of one thousand eight hundred and eighty-nine, except as provided in this act, and all other acts or parts of acts in anywise contravening any of the provisions of this act.

Taxation.

SECTION 1. *The People of the State of Michigan enact,* That all property within the jurisdiction of this State not expressly exempted shall be subject to taxation.

Real property,
what to include.

SEC. 2. For the purpose of taxation, real property shall include all lands within [the] this State, and all buildings and fixtures thereon and appurtenances thereto, except in cases otherwise expressly provided by law, and any real estate mortgage, deed of trust, contract, or other obligation, by which a debt is secured, when land within this State is pledged for the payment and discharge thereof, shall, for the purpose of assessment and taxation, be deemed and treated as an interest in the land so pledged. Personal property shall include all goods and chattels within the State, all ships, boats and vessels belonging to inhabitants of this State, whether at home or abroad, and their appurtenances; all goods, chattels and effects belonging to inhabitants of this State, situate without this State, except that property actually and permanently invested [in] business in another State shall not be included; all indebtedness due to inhabitants of this State except mortgages and bills receivable, secured by mortgages, or other incumbrances on real estate situated in this State, above the amounts respectively owed by them, whether such indebtedness is due from individuals or from corporations, public or private, and whether such debtors reside within or without the State; unless the same shall be secured by mortgage on real estate situated in some state where mortgages are taxed as an interest in the land; all shares in corporations organized under the laws of this State, when the property of such corporation is

Personal
property.

not exempt or is not taxable to itself; all shares in banks organized in this State under any law of the United States, but in estimating the value of such shares, deduction shall be made of the value of all real estate taxed to the bank; all shares in foreign corporations, except national banks, owned by inhabitants of this State; all moneys; all annuities and royalties; all interests owned by individuals in lands, the fee of which is in this State or the United States, except as hereinafter provided. Property exempt from taxation by the laws of the United States shall not be included. Shares in corporations, the property of which is taxable to itself, shall not be assessed to the shareholder. Exemptions.

SEC. 3. The following property shall be exempt from taxation: Property exempt.

First, All public property belonging to the United States, to this State, or to any county, city, village, township, or school district within this State, save lands purchased at tax sales and still held by the State; Public property.

Second, The personal property of all posts of the Grand Army of the Republic, and of all library, benevolent, charitable and scientific institutions incorporated under the laws of this State, and such real estate as shall be occupied by them for the purposes for which they were incorporated; Benevolent, etc., institutions.

Third, All houses of public worship, with the land on which they stand, the furniture therein, and all rights in the pews, and also any parsonage owned by any religious society of this State and occupied as such; Churches, etc.

Fourth, All property of cemetery associations and lands used exclusively as burial grounds, and the rights of burial therein and the tombs and monuments therein, while in use for that purpose: *Provided*, That the stock of associations organized and carried on for private gain, and all tombs and vaults built within any burying grounds and kept for rent for the purpose of private gain or profit, shall be assessed as personal property; Cemeteries, etc.

Fifth, Library or school books of the value of one hundred and fifty dollars; the personal wearing apparel of every individual and all family pictures; Library books, etc.

Sixth, Furniture and utensils in use in any dwelling house, of the value of two hundred dollars; musical instruments not exceeding in value one hundred and fifty dollars, and other personal property owned and used by any householder in connection with his house or business of the value of two hundred dollars; Furniture, etc.

Seventh, The personal and real property of persons who, in the opinion of the supervisor, are, by reason of poverty, unable to contribute toward public charges; Poor persons.

Eighth, All mules, horses and cattle not over one year old; all sheep and swine not over six months old, and all domesticated birds and insects. Mules, horses, etc.

SEC. 4. All corporate property, except where some other provision is made by law, shall be assessed to the corpora- Corporate property, assessment of, etc.

Exemption.	tion as to a natural person in the name of the corporation. The place where its principal office in this State is situated shall be deemed its residence. The property of corporations paying specific taxes shall be exempt, as to the property covered by such taxation, except when otherwise provided by law. All other property of such corporation shall be taxed under this act. In computing the taxable property of insurance companies organized under the laws of this State, the value of the real property on which a company pays taxes shall be deducted from its net assets above liabilities as determined and shown by the last report of the commissioner of insurance, and the remainder shall be the amount of personal property for which the company shall be assessed.
Insurance companies.	
Copartnerships, how treated.	SEC. 5. For the purposes of assessing property and collecting taxes, a copartnership shall be treated as an individual and whenever the name of the owner or occupant of property is required to be entered upon the assessment roll, if such property is owned or occupied by a copartnership, the firm name shall be used. A copartnership shall be deemed to reside in the township where its business is principally carried on. Each partner shall be liable for the whole tax.
Liability of partners.	
Real property, where assessed, etc.	SEC. 6. Real property shall be assessed in the place where situated and to the owner, if known, and also to the occupant, if any; if the owner be not known and there be an occupant, then to such occupant, and if there be no owner or occupant known, then as unknown; an executor, administrator, guardian or trustee having control of real property may be treated as its owner.
Real estate of deceased persons, to whom assessed.	SEC. 7. The real property which belonged to a person deceased, not being in the control of an executor or administrator, may be assessed to his heirs or devisees jointly without naming them, until they shall have given notice of their respective names to the supervisor, and of the division of the estate.
Homesteads.	SEC. 8. All licensed homestead lands, the fee of which is in the State or the United States, when the licensee is entitled to make his final proof to obtain a patent, shall be assessed, returned and sold as other real property.
Part-paid certificates.	SEC. 9. The interest in land of any person holding a part-paid certificate for the purchase of any State lands shall be assessed separate from other property. The assessment shall describe the land, and state therein that the title is in the State. The taxes, if not paid to the township treasurer, shall be returned and collected as hereinafter provided.
Personal property, where assessed.	SEC. 10. All personal property, except as hereinafter provided, shall be assessed to the owner in the township of which he is an inhabitant, on the second Monday of April, of the year for which the assessment is made.
Exceptions.	SEC. 11. The excepted cases referred to in the preceding section are as follows, viz.:

These blanks shall be furnished by the county treasurer to the supervisors or assessing officers, and each supervisor or assessing officer is authorized to add to such blank any questions he may deem necessary. These statements shall show whether such property is owned by the person making the statement, or held for the use of another, and if the latter in what capacity it is held. They shall show the indebtedness of any person so far as he wishes a deduction from his credits on account of such indebtedness. The cashier of every bank shall, on the second Monday of April in each year, file in the office of the county clerk of the county where the bank is located, a statement of all real estate held by the bank and its value, a list of the names of the stockholders, the amount of stock held by each, and their respective residences. The statement aforesaid shall show the facts as they exist on the second Monday of April of the year when made. Immediately after the filing of such statement the county clerk shall notify the supervisor or assessing officer of each township of the name of each person, if any, residing in his township, holding shares of stock in any such bank, and of the amount thereof as shown by such statement. All property shall be assessed as of the second Monday of April. On the day next succeeding the completion of the review of the assessment roll, as hereinafter provided, the supervisor shall deliver all such written statements by him obtained under the provisions of this act, to the township clerk of the township of which he is supervisor, and such township clerk shall safely keep the same in his office, open to public inspection for three years from the time of such delivery to him.

Blanks for, how furnished, etc.

What to show, etc.

Cashiers, duty of.

County clerk.

Date of assessment.

Supervisor to deliver statements to clerk.

SEC. 13. Every person required by this act to make or deliver such statement shall set forth an account of the property held or owned by him as follows:

What statement to set forth.

REAL PROPERTY.

An accurate description of each parcel of land, with the number of acres, and the amount of any incumbrance thereon, and the number of acres improved, and the number and kind of buildings thereon, and an accurate statement of real estate mortgages, and rate of interest thereon, held or owned by him, and a description of the real estate covered by such mortgages.

Real property.

PERSONAL PROPERTY—CREDITS.

First, All annuities and royalties;

Annuities, etc.

Second, All bonds, notes, chattel mortgages, accounts, demands, claims, and other indebtedness owing to such person, whether such indebtedness is due from individuals or from corporations, public or private, and whether debtors reside within or without this State, including all deposits in banks or with other corporations or individuals; together with a state-

Bonds, notes, etc.

such property shall be assessed in the [township] townships where situated, to such executors or administrators, or to the person in possession;

Under control of
a trustee, etc.

Seventh, Personal property under the control of the trustee or agent, whether a corporation or natural person, may be assessed to such trustee or agent in the township where he resides, except as otherwise provided. Personal property mortgaged or pledged shall be deemed the property of the person in possession thereof and may be assessed to him;

Situate on
public lands,
including
buildings.

Eighth, All personal property of any person situate upon, also all buildings situate and being upon the lands of the United States, or of this State, shall be deemed personal property for the purposes of taxation and assessment, and shall be assessed as personal property, to the owner or occupant thereof, in the city, village or township in which such lands are situated, and such buildings shall be subject to sale for taxes in the same manner as herein provided for the sale of personal property: *Provided, however*, It shall not be necessary to remove any such buildings for the purpose of sale.

Proviso.

OF THE ASSESSMENT ROLL.

Supervisor to
ascertain the
taxable
property.

To require
detailed state-
ment, under
oath.

Form of oath.

SEC. 12. It shall be the duty of each supervisor or assessing officer as soon as possible after entering upon the duties of his office, to ascertain the taxable property of his assessing district, and the persons to whom it should be assessed, and their residences. For this purpose he shall require every person of full age and sound mind, to make and subscribe to a true and correct written statement under oath, administered by such supervisor or assessing officer, of all the taxable property of such person, firm or corporation, whether owned by him or it, or held for the use of another, and it shall be the duty of every such person, firm or corporation, to make such statement under the following form of oath, duly administered by the supervisor or assessing officer:

STATE OF MICHIGAN, }
COUNTY OF } ss.

..... being duly sworn,
deposes and says, that the above is a full and true state-
ment of all the taxable property owned by him, liable to
assessment in this assessing district.

Dated this day of A. D.
189...

Subscribed and sworn to before me this day
of A. D. 189...

..... *Supervisor.*

The Auditor General is required to prepare and distrib-
ute to the county treasurers blanks for such statements.

These blanks shall be furnished by the county treasurer to the supervisors or assessing officers, and each supervisor or assessing officer is authorized to add to such blank any questions he may deem necessary. These statements shall show whether such property is owned by the person making the statement, or held for the use of another, and if the latter in what capacity it is held. They shall show the indebtedness of any person so far as he wishes a deduction from his credits on account of such indebtedness. The cashier of every bank shall, on the second Monday of April in each year, file in the office of the county clerk of the county where the bank is located, a statement of all real estate held by the bank and its value, a list of the names of the stockholders, the amount of stock held by each, and their respective residences. The statement aforesaid shall show the facts as they exist on the second Monday of April of the year when made. Immediately after the filing of such statement the county clerk shall notify the supervisor or assessing officer of each township of the name of each person, if any, residing in his township, holding shares of stock in any such bank, and of the amount thereof as shown by such statement. All property shall be assessed as of the second Monday of April. On the day next succeeding the completion of the review of the assessment roll, as hereinafter provided, the supervisor shall deliver all such written statements by him obtained under the provisions of this act, to the township clerk of the township of which he is supervisor, and such township clerk shall safely keep the same in his office, open to public inspection for three years from the time of such delivery to him.

SEC. 13. Every person required by this act to make or deliver such statement shall set forth an account of the property held or owned by him as follows:

REAL PROPERTY.

An accurate description of each parcel of land, with the number of acres, and the amount of any incumbrance thereon, and the number of acres improved, and the number and kind of buildings thereon, and an accurate statement of real estate mortgages, and rate of interest thereon, held or owned by him, and a description of the real estate covered by such mortgages.

PERSONAL PROPERTY—CREDITS.

First, All annuities and royalties;

Second, All bonds, notes, chattel mortgages, accounts, demands, claims, and other indebtedness owing to such person, whether such indebtedness is due from individuals or from corporations, public or private, and whether debtors reside within or without this State, including all deposits in banks or with other corporations or individuals; together with a state-

Blanks for, how furnished, etc.

What to show, etc.

Cashiers, duty of.

County clerk.

Date of assessment.

Supervisor to deliver statements to clerk.

What statement to set forth.

Real property.

Annuities, etc.

Bonds, notes, etc.

ment of any part thereof that is secured by real estate mortgage on lands [situated] situate in some other state where mortgages are taxed as an interest in the land, giving the description of such land;

Indebtedness.

Third, All *bona fide* indebtedness owing by such person, giving an itemized statement in detail, how secured, and to whom owing, and the residence of such creditors and the amount due each, provided he desires to have the same deducted from his credits.

PERSONAL PROPERTY—CHATELS.

Bank shares.

First, All shares in banks organized in this State under any law of this State or [of] the United States, and their cash value after deducting the value of the real estate taxed to the banks;

Other shares.

Second, All shares in foreign corporations, except national banks, and their cash value;

Idem.

Third, All shares in other corporations organized under the laws of this State when the property of such corporation is not exempt, or is not taxable to itself, and their cash value;

Moneys.

Fourth, All moneys;

Jewelry, etc.

Fifth, The value of all gold and silver plate, diamonds and jewelry;

Furniture, etc.

Sixth, The value of all household furniture and musical instruments over and above exemptions;

Patent rights.

Seventh, All patent rights and their value;

Animals.

Eighth, The number and kinds of domestic animals and their value;

Vehicles.

Ninth, All wagons, carriages and sleighs and their value;

Implements.

Tenth, All mechanical and agricultural implements and tools and their value;

Machinery.

Eleventh, All machinery not affixed to real property and its value;

Ships.

Twelfth, All ships, boats and vessels, whether at home or abroad, and their value;

Stock.

Thirteenth, All merchandise and stock in trade and its value;

Logs.

Fourteenth, All logs, timber, lumber, posts and ties, and their value where the same is situate on the second Monday of April, as near as may be, and the distinctive marks thereon, if any, and place of destination in this State;

Other goods, etc.

Fifteenth, All other goods, chattels, and personal property not heretofore specifically mentioned, and their value, except property specifically exempt from taxation;

Exemptions.

Sixteenth, All goods and chattels which are exempt from taxation.

Neglect or refusal to make statement, etc.

SEC. 14. In every case when any person shall willfully neglect or refuse to make out and deliver a true and correct sworn statement, under oath administered by the supervisor or assessing officer as required by this act, said person shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of one hundred dollars or thirty days in the county jail, or by both such fine and imprisonment in the

Penalty for.

discretion of the court. If the supervisor or assessing [office] officer shall be satisfied that any statement so made is incorrect, or if by reason of absence or other sufficient cause said sworn statement cannot be obtained from the person whose property is to be assessed, said supervisor or assessing officer is hereby authorized and required to examine on oath any other person or persons whom he may have good reason to believe and does believe has knowledge of the amount or value of any property owned or held by such person so neglecting or refusing or omitting to be examined or to furnish a statement; and such supervisor or assessing officer is hereby authorized to set down and assess to such person so entitled to be assessed, such amount of personal property as he may deem just.

Supervisor may examine other persons on oath, etc.

SEC. 15. On or before the third Monday of May in each year, the supervisor shall make and complete an assessment roll, upon which he shall set down the name of every person liable to be taxed for personal property in his township, and also a full description of all the real property liable to be taxed in such township. If the name of the owner or occupant of any such tract or parcel of real property is known, he shall enter the name of such owner, and occupant as in this act provided opposite to the description thereof; in all other cases the real property described upon such roll shall be assessed as owner unknown. Each description shall show the number of acres contained in it, as determined by the supervisor. It shall not be necessary for the assessment roll to specify the quantity of land comprised in any town, city or village lot. The supervisor shall estimate, according to his best information and judgment, the true cash value of every parcel of real property and interest therein, and set the same down opposite such parcel. The value of the interest of the owner of the fee, less the value of the mortgage or other interest therein, shall be set down opposite the names of the owner and occupant, and the value of the interest in such real estate represented by a mortgage, deed of trust, or other obligation, shall be set opposite the name of the owner of such interest. He shall also estimate the true cash value of all the personal property of each person, and set the same down opposite the name of such person. In determining the property to be assessed and in estimating such [values] value he shall not be bound to follow the statements of any person but shall exercise his best judgment. Property assessed to one other than the owner shall be assessed separate from his property and shall show in what capacity it is assessed to him. Two or more persons not being copartners, owning personal property in common may each be assessed severally for his portion thereof. Undivided interests in lands owned by tenants in common, or joint tenants not being copartners, may be assessed to the owners thereof.

Assessment roll, time and manner of making.

Property to be assessed at cash value.

Less value of mortgage, etc.

Undivided interest, etc.

SEC. 16. The description of real property may be as follows, viz.:

Description of real property.

First, If the land to be assessed be an entire section, it

Entire sections.

	may be described by the number of the section, township and range;
Subdivision of section.	<i>Second</i> , If the tract be the subdivision of a section authorized by the United States for the sale of public lands, it may be described by the designation of such subdivision, with the number of the section, township and range;
If less than subdivision.	<i>Third</i> , If the tract be less or other than such subdivision it may be described by designation of the lot or other lands by which it is bounded, or in some way by which it may be known;
Town lots, etc.	<i>Fourth</i> , In case of land platted or laid out as a town, city or village, or as an addition to a town, city or village, the same may be described by reference to such plat and by the number of the lots and blocks thereof, whether such plat be recorded or not;
Joint parcels.	<i>Fifth</i> , When two or more parcels of land are used [or] and occupied together, they may be assessed by one valuation;
Other designation.	<i>Sixth</i> , Lands may be designated by any description by which they may be known;
Use of initials, etc.	<i>Seventh</i> , It shall be sufficient to describe the real property assessed upon any roll and in all other proceedings under this act, in the manner heretofore in use by initials, letters, abbreviations, and figures.
Taxation of mortgages, etc.	SEC. 17. A mortgage, deed of trust, contract, or other obligation by which a debt is secured by a lien upon real property within this State shall, for the purpose of assessment and taxation, be deemed and treated as an interest in such real property, except as [to] the property of [railroad] railroads and <i>quasi</i> public corporations. In such case the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner of the property and the value of such security shall be assessed and taxed to the owner thereof, in the county, and assessing district in which the property so affected is located. The taxes so levied shall be a lien upon the property and security and may be paid by either party to such security. If paid by the mortgager or holder of the real property, such portion as was assessed to the mortgagee shall be considered and treated as payment on any interest that may be due, or if there is no interest due, then as a payment of so much principal. If paid by the mortgagee or holder of the security such portion as was assessed to the mortgager or owner of the fee shall become a lien upon the land or real property, and be added to all other obligations, and become subject to the same terms, and conditions as such mortgage, or other security: <i>Provided</i> , That it shall [be unlawful] not be lawful for either party to pay the portion of the tax assessed to the other, until after the expiration of thirty days from the time the warrant
Tax to be lien, etc.	
Proviso.	

for the collection of the taxes has been placed in in the hands of the treasurer: *Provided further*, That if the said mortgagee shall neglect, or refuse to pay the tax assessed to him as the holder of any such mortgage, deed of trust, contract or other obligation, the treasurer shall proceed to collect the same from the mortgager, or holder of the said real estate, in the same manner as is provided by law for collecting other taxes, and any delinquent tax accruing by reason of the failure to collect the tax assessed upon any such mortgage, deed of trust, contract or other obligation, may be returned against the said land in the same manner as other delinquent taxes. If any such security or indebtedness shall be paid by any such debtor or debtors after the tax shall have become a lien upon the real property affected thereby, the amount of the tax levied shall become an offset against such indebtedness. It shall be the duty of the holder of any such mortgage, deed of trust, contract or other obligation, to file with the supervisor, or other assessing officer of the township or assessing district in which the land or real property affected thereby is situated, before the tenth day of April of each year, a written statement under oath of all his estate situated in such township or assessing district, liable to assessment and taxation under the provisions of this act, otherwise a written statement of the mortgagee's interest in any such real estate may be filed with the supervisor by the mortgager or owner of the fee. No mortgage, deed of trust, contract or other obligation by which any incumbrance upon real estate situated in more than one assessing district shall be created, shall be accepted for record or recorded by any register of deeds within this State unless there shall be contained therein or appended thereto a statement apportioning for purposes of taxation the incumbrance so secured by such real estate upon the separate parcels of land included in such instrument for record so as to show the proportionate amounts to be assessed as an interest on each parcel in the different assessing districts. The obligor may include such apportionment in such instrument, but in case the obligor shall fail to do so, the obligee or some authorized person in his behalf may append the statement of apportionment to such instrument.

Further proviso.

Tax paid by debtor, offset against indebtedness.

Duty of holder of mortgage, etc.

In case of mortgage in more than one assessing district, how recorded by register of deeds.

SEC. 18. The words "cash value" whenever used in this act shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale.

The words "cash value" defined.

SEC. 19. At the annual township meeting, held on the first Monday of April in the year eighteen hundred and ninety-two, there shall be elected by ballot, on the regular township ticket, two suitable electors of the township to serve as members of the board of review, one of whom shall

Board of review, election of.

How constituted.	be elected for one year, and one for two years, and annually thereafter one member shall be elected for two years, who shall take the constitutional oath of office as other township officers. The supervisor and the two electors so elected shall constitute the board of review for such township. The
Vacancy.	township board may temporarily fill any vacancy which shall occur in the membership of said board of review, but no member of such township board shall be eligible to fill
Quorum.	such vacancy. A majority of said board of review shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and a majority vote of those present shall decide all questions. On the
Meeting.	Tuesday next following the third Monday of May, the board of review of each township shall meet at the office of the supervisor; at which time the supervisor shall submit to said board the assessment roll for the current year, as prepared by him, and the said board shall proceed to examine
Review of roll and duty of board.	and review the same, and during that day, and the following day if necessary, said board of its own motion or on sufficient cause being shown by any person, shall add to said roll the names of persons, the value of personal property, and the description and value of real property liable to assessment in said township omitted from such assessment roll; they shall correct all errors in the names of persons, in the descriptions of property upon such roll, and in the assessment and valuation of property thereon, and they shall cause to be done whatever else may be necessary to make said roll comply with the provisions of this act. The board shall pass upon each valuation and each interest and enter the valuation of each as fixed by it in a separate
Approval of roll.	column. The roll as prepared by the supervisor shall stand as approved and adopted as the act of the board of review except as changed by a vote as herein provided. If for any
If no quorum attends.	cause a quorum [does] does not assemble during the days above mentioned, the roll as prepared by the supervisor shall stand as if approved by the board of review.
Meeting to correct assessments.	SEC. 20. Said board of review shall also meet at the office of the supervisor on the fourth Monday in May at nine o'clock in the forenoon, and continue in session during the day and the day following. Such board shall continue its sessions at
Length of sessions.	least six hours each day, and at the request of any person whose property is assessed thereon or of his agent, and on sufficient cause being shown, shall correct the assessment as to such property, in such manner as in their judgment will make the valuation thereof relatively just and equal. To that end said
May examine on oath, etc.	board may examine on oath the person making such application, or any other person, touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said roll, a majority of said
Statement of approval.	board shall indorse thereon and sign a statement to the effect that the same is the assessment roll for said township for the year in which it has been prepared and approved by

the board of review. Said statement may be in the following Form of form, viz.:

"Assessment roll of the township of _____, for the year 18____, as approved by the board of review.

"Dated _____

"Board of Review."

Upon the completion of said roll, and its indorsement in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes hereinafter mentioned. The omission of such indorsement shall not affect the validity of such roll.

Presumptively valid.

Omission of indorsement not to affect validity.

SEC. 21. If from any cause a quorum shall not be present at any meeting of the board of review, it shall be the duty of the supervisor, or, in his absence, any other member of the board present, to notify each absent member to attend at once, and it shall be the duty of the member so notified to attend without delay. If from any cause the second meeting of such board of review, herein provided for, is not held at the time fixed therefor, then and in that case it shall meet on the next Monday thereafter, and proceed in the same manner and with like powers as if such meeting had been held [as] a herein-before provided.

When quorum not present.

If second meeting not held, to meet on the next Monday.

SEC. 22. The board of supervisors in each county shall, at their session in October in each year, examine the assessment rolls of the several townships and ascertain whether the relative valuation of the real property in the respective townships has been equally and uniformly estimated. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in any township or [townships] township such an amount as in their judgment will produce relatively an equal and uniform valuation of the real property in the county, and the amount added to or deducted from the valuation in any township shall be entered upon the records. They shall also cause to be entered upon their records the aggregate valuation of the taxable real and personal property of each township in their county, as determined by them. The board shall also make such alterations in the description of any lands upon such rolls as may be necessary to render such description conformable to the requirements of this act. After such rolls shall have been equalized, each shall be delivered to the supervisor of the proper township, who shall file and keep the same in his office.

Examination of rolls by board of supervisors.

Equalization of rolls.

To record aggregate valuation.

Alterations.

Disposition of rolls.

SEC. 23. On or before the first day of September, in each year, the Auditor General shall make and record in his office a statement showing the taxes to be raised for State purposes that year, referring to the law on which each tax is based and the total amount of such taxes. This State tax he shall apportion among the several counties in proportion to the valuation of the taxable property therein as

Auditor General to record State taxes.

To apportion to counties.

To transmit statement of same to county clerks.	determined by the last preceding State board of equalization, and shall, before the October session of the board of supervisors, in each year, make out and transmit to the clerk of each county a statement of the amount of such taxes so apportioned to such county. He shall also, in a separate item of said statement, set forth the amount of indebtedness of such county to the State as shown by the statement of the account between the county and the State made by the Auditor General on the first day of July next previous to such apportionment, which amount shall be apportioned by the board of supervisors of the proper county at the same time as State taxes contained in said apportionment of the Auditor General, and shall be levied in the same manner as and become a portion of the county taxes for the same year, unless the said indebtedness shall have been paid to the State before October first: <i>Provided</i> , That such portion thereof, if any, as should be assessed to a particular township, shall be apportioned to and assessed upon such township: <i>Provided further</i> , That any State tax of the levy of the year eighteen hundred and ninety-one, or any subsequent year, remaining unpaid, delinquent, or otherwise undischarged upon the books of the county treasurer, shall not be included in such indebtedness so to be levied.
Indebtedness of county to State.	
To be apportioned with tax.	
Proviso.	
Further proviso.	
Township clerk to certify to supervisor all moneys to be raised, etc.	SEC. 24. It shall be the duty of the township clerk of each township, on or before the first day of October of each year, to make and deliver to the supervisor of his township, a certified copy of all statements and certificates on file, and of all records of any vote or resolution in his office authorizing or directing moneys to be raised therein by taxation for township, school, highway, drain and all other purposes, together with a statement of the aggregate amount thereof, and such certified copies shall, by such supervisor, be delivered to the clerk of the county, on or before the second Monday of said month, and the same shall, by said clerk, be laid before the board at its annual meeting, and filed in his office.
Supervisor to deliver to county clerk.	
Board of supervisors to apportion all taxes, etc., to townships.	SEC. 25. The board of supervisors, at their annual session in October in each year, shall ascertain and determine the amount of [money] moneys to be raised for county purposes, and shall apportion such amount, and also the amount of the State tax and indebtedness of the county to the State among the several townships in the county in proportion to the valuation of the taxable property therein, real and personal, as determined by them for that year, which determination and apportionment shall be entered at large on their records. They shall also examine all certificates, statements, papers, and records submitted to them, showing the moneys to be raised in the several townships for school, highway, drain, township and all other purposes. They shall hear and duly consider all objections made to raising any such moneys by any taxpayer to be affected thereby. If it shall appear to the board that any certificate, statement, paper or record is not properly certified, or that the same is in
To examine certificates, etc.	
Objections.	
Omissions or defects.	

anywise defective, or that any proceeding to authorize the raising of any such moneys has not been had, or is in anywise imperfect, and such certificate, statement, paper, record or proceeding can then be corrected, supplied or had, such board may authorize and require such defects or omissions or proceedings to be corrected, supplied or had. They may refer any or all such certificates, statements, papers, records and proceedings to the prosecuting attorney whose duty it shall be to examine the same and, without delay, report in writing his opinion to the board. They shall direct that such of the several amounts of money proposed to be raised for township, school, highway, drain and all other purposes, as shall be authorized by law, be spread upon the assessment roll of the proper townships. Such action and direction shall be entered in full upon the records of the proceedings of the board.

May be referred to prosecuting attorney.

Direct taxes to be spread on roll.

Record of proceedings.

SEC. 26. The clerk of the board of supervisors shall, immediately after the said apportionment, make out two certificates showing the amounts apportioned to each township for State, county, and the various township purposes, each tax being kept distinct, one of which he shall deliver to the county treasurer, and the other to the supervisor of the proper township: *Provided*, That if said clerk fail to make such certificate, the supervisor shall take official notice of all certificates, statements, papers and records in the office of the county clerk relating to the levy of taxes in his township, and of the action of the board of supervisors thereon.

Duty of county clerk.

Proviso.

SEC. 27. Each supervisor shall proceed to assess the taxes apportioned to his township, according and in proportion to the valuations entered by the board of review in the assessment roll of the township of the year: *Provided*, That if the board of review make no such entry then on the valuation therein as entered by the supervisor. For the purpose of avoiding fractions in computation, the supervisor may add to the amount of the several taxes to be raised not more than one per cent; said excess shall belong to the contingent fund of the township; such taxes shall be entered in separate columns, as follows: All school taxes and the one mill tax in one column, highway taxes in another, township taxes in another, county taxes in another, and the State taxes in another column, and if other taxes are at any time required to be raised they shall be placed in separate columns. The total of such taxes assessed against any one valuation or parcel of property shall be added and carried out in the last column upon the right hand side of such roll. The taxes thus assessed shall become at once a debt to the township from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall, on the first day of December, become a lien on such real property, and the lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof. And all personal taxes shall also be a lien on all personal property of such persons so assessed from and after the first day of December

Assessment by supervisor.

Proviso.

Fractions, how avoided.

Excess.

Entry of taxes on roll.

To be a debt to township, and lien on property, when.

Lien to have precedence, etc.

in each year, and shall take precedence of any sale, assignment or chattel mortgage, levy or lien, on such personal property, executed or made after said first day of December, except where such property is sold in the regular course of trade. Before the supervisor shall deliver such roll to the township treasurer, he shall carefully foot the several taxes therein levied, and shall give to the township clerk of his township a statement thereof and such clerk shall immediately charge the amount of such taxes to the township treasurer.

Statement to town clerk.

To be charged to treasurer.

OF THE TAX ROLL.

Copy of roll and warrant to treasurer, etc.

To authorize distress and sale of property, etc.

Tax roll.

Notice to treasurer of State and county taxes.

Bond to county treasurer.

Filing of, and receipt for bond.

Delivery of roll to treasurer.

Collection of taxes.

SEC. 28. The supervisor shall thereupon prepare a copy of the said assessment roll, with the taxes assessed as hereinbefore provided, and annex thereto a warrant signed by him, commanding the township treasurer to collect the several sums mentioned in the last column of such roll, and to retain in his hands the amount receivable by law into the township treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of February next following; and the said warrant shall authorize the treasurer in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The supervisor may make a new roll and warrant in case of the loss of the one given the township treasurer. The copy of the roll, with the warrant annexed, shall be known as the tax roll.

SEC. 29. The supervisor of each township on or before the fifteenth day of November in each year, shall notify the township treasurer of the amount of State and county taxes as apportioned to his township, and such treasurer, on or before the twenty-fifth day of November, shall give to the county treasurer a bond running to the county, in double the amount of State and county taxes, with sufficient sureties, to be approved by the supervisor of the township and the county treasurer, conditioned that he will pay over to the county treasurer as required by law, all State and county taxes which he shall collect during his term of office, and duly and faithfully perform all the other duties of his office.

SEC. 30. The county treasurer shall file and safely keep such bond in his office, and shall give to the township treasurer a receipt stating that he has received the bond required by the preceding section, which receipt the township treasurer shall deliver to the supervisor on or before the first day of December.

SEC. 31. The supervisor, after the delivery of such receipt, and on or before the first day of December, shall deliver to the township treasurer the tax roll of his township.

SEC. 32. On receiving such tax roll, the township treasurer shall proceed to collect such taxes. He shall remain in his office at some convenient place in his township, on every Friday in December thereafter, from 9 o'clock A. M. to 5

o'clock P. M. to receive taxes: *Provided, however,* That he shall receive taxes upon any week day when they may be offered, and on all sums voluntarily paid before the first day of January of the succeeding year, he shall add one per cent for collection fees, and upon all taxes paid on or after said first day of January he shall add four per cent. In case he is justly apprehensive of the loss of any personal tax, he may take steps to enforce its collection at any time, and if compelled to seize property or bring suit in December, or before the first day of January, may add four per cent for collection fees.

Proviso.

Personal tax, when collection may be enforced.

SEC. 33. All taxes shall be collected before the first day of February, unless the time for collection is extended. The township board of any township, or the common council of any city may extend such time not exceeding one month. When such an extension is made, the township clerk shall immediately notify the county treasurer thereof. In case of an extension the warrant annexed to the tax roll shall continue in force during the time extended and the [bonds] bond of the township treasurer shall not be invalidated by any such extension. But no collector, or township or city treasurer, shall receive the benefit of such extension until he shall have paid over to the county treasurer all State and county taxes collected.

When taxes to be collected.

Extension of time.

Clerk to give notice of extension.

Warrant and bond to continue in force.

SEC. 34. For the purpose of collecting the taxes remaining unpaid on the first day of January, the township treasurer shall, during that month, call personally upon each person liable to pay such taxes, if a resident of such township, or at his usual place of residence or business therein, and demand payment of the taxes charged against him. If such person is not a resident of the township, but resides within the county, and his residence is known to the treasurer, he shall make such demand either personally or by mail. If demand is sent by mail, the amount of the tax shall be stated and the place and time where and when it may be paid. He shall give a receipt for every tax paid, and shall enter in ink the fact of payment, and the date thereof upon his tax roll. In case of taxes assessed upon the shares of the capital stock of any bank he shall call upon the cashier of such bank and demand payment thereof, and thereupon it shall be the duty of such cashier to pay the same, and charge the amount so paid against the shares of stock so taxed.

Collection of tax after January first.

SEC. 35. If any person shall neglect or refuse to pay any tax assessed to him, or upon any mortgage or other obligation taxed as an interest in lands owned by such person, as provided by this act, the township treasurer shall collect the same by seizing the personal property of such person to an amount sufficient to pay such tax, fees and charges for subsequent sale, whenever the same may be found in the county from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the tax and all charges, in the township where seized, or in the

Collection by seizure and sale of personal property.

Notice of sale.	township of which he is treasurer, at public auction, on giving public notice of the same at least five days previous to the sale, by posting written [or printed] notices in three public places in the township where the sale is to be made, which sale may be adjourned from time to time if he shall
Time of sale.	deem the same necessary; and in case property shall be seized and advertised as herein directed, during the life of the warrant, the sale may take place at any time within six days after the expiration thereof. If it becomes necessary
In case of surplus.	to sell personal property which brings more than the amount of taxes and charges, the balance shall be returned to the person from whose possession the property was taken, except as hereinafter provided. If the property so distrained cannot be sold for want of bidders, the treasurer shall return a statement of the fact and such tax shall be returned as unpaid. The township treasurer, if otherwise unable to
May sue and garnishee.	collect a tax on personal property, may sue the person to whom it is assessed, in the name of the township, and garnishee any debtor or debtors of such person. The tax roll shall be <i>prima facie</i> evidence of the debt sought to be recovered.
Evidence of debt.	
Fees for selling property.	SEC. 36. In case of a distress and sale of goods and chattels, for the payment of any tax, the township treasurer or other collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax, as his fees for making such sale, which fees and percentage hereinbefore provided shall be in full for his services in collecting such taxes; and in case payment of such tax shall be made after the distress and before the sale, it shall be lawful for such treasurer or collecting officer to require the payment of one dollar and twenty-five cents as his fee for making such distress, and to enforce payment of the same, if need be, by making sale notwithstanding the tax shall have been paid. And whenever any personal property having been assessed to any person in any township or ward in this State shall be removed therefrom before the taxes assessed thereon shall be collected, and there being no other personal property sufficient in said township or ward whereon the township treasurer or other collecting officer can levy and collect said taxes, or any of them, he shall have full power, and it shall be his duty to make a statement, duly certified by him to be correct and true, showing that personal property has been assessed to such person, naming him, the valuation thereof, the various taxes thereon, and the total thereof, as appears from the roll in the hands of such treasurer, and that such property has been removed from such township or ward since the assessment thereof, and that the taxes or some portion of them has not been paid; which statement shall be witnessed and acknowledged in the same manner as deeds of real estate are acknowledged, and shall be received in all courts and other places as evidence of the facts
In case of payment before sale.	
In case of removal of personal property before taxes are paid.	
Statement thereof.	
To be witnessed, etc.	

therein contained, without proof of its execution, and shall be *prima facie* evidence of the validity of the tax therein named against the person therein named, and shall be full and ample authority to the treasurer or other tax collector to whom it shall be sent to levy and collect the same in the same manner as other personal taxes are collected by him when spread upon his own roll. Such statement may be sent to the township or city treasurer, or other collecting officer of any township or city in this State, where the person against whom such assessment was made may have property, and the township treasurer, or other collecting officer to whom such statement shall have been transmitted, shall, upon the receipt of the same, proceed to collect said taxes out of any property belonging to the owner of such property, so taxed as aforesaid, within his jurisdiction, liable to be seized for taxes, together with double collection fees therefor, and the further sum of twenty-five cents to defray the expense of transmitting the taxes so collected as hereinafter provided, and shall give his receipt therefor. The said township treasurer, or other collecting officer shall thereupon transmit the taxes, and one-half of the collection fees as aforesaid collected to the township treasurer, or other collecting officer, from whom he received such statement, and the latter shall, upon the receipt of said taxes, and collection fees, mark the said taxes in ink as paid upon his tax roll, and the date of the receipt of the same, retaining the collection fees so received as aforesaid, as his fees in the matter of the collection of said taxes.

To be authority
to other
treasurer.

To collect said
tax, etc.

Double fees,
etc.

To transmit
tax, fees, etc.

To mark tax
paid, etc.

SEC. 37. Executions issued upon judgments rendered for any tax, may be levied upon any property, without exemption, the same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the same manner, in all [other] respects, as provided by law for the collection of judgments.

Execution on
judgments for
taxes, etc.

SEC. 38. Whenever a surplus arising from the sale of any property distrained for taxes, shall be claimed by any other than the person for whose tax such property was sold, and such claim shall be contested, either of the contestants may prosecute an action against the other, as for money had and received, and in such action the rights of the parties to such surplus shall be determined. For the purpose of such action, the defendant shall be deemed to be in possession of the surplus in the hands of the township treasurer, and upon the presentation to said treasurer of a certified copy of the final judgment rendered in such action, he shall pay over the same to the party recovering such judgment, and no township treasurer shall be liable to any claimant of such surplus, the right to which is contested as provided in this act, until he shall have refused to pay over such surplus upon the production of a certified copy of the judgment as aforesaid. In any action brought pur-

Surplus,
disposition of,
when claimed
by several.

suant to this section no other case shall be joined, nor shall any set-off be allowed, and if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.

When new
treasurer to be
appointed, etc.

SEC. 39. In case any township treasurer shall neglect to give either of the bonds required, or shall die, or resign, or remove out of the township or become unable to discharge the duties of his office, the township board shall forthwith appoint a new treasurer, who, on giving the required bonds, shall execute the duties of the office for the remainder of the year. The township clerk shall immediately notify the county treasurer of such appointment.

Clerk to give
notice of.

When sheriff to
collect taxes.

SEC. 40. In case the township treasurer shall neglect or refuse to file his bond with the county treasurer, in the manner and within the time prescribed by law, and the township board shall fail to appoint a treasurer who shall give such bond, and deliver a receipt for the same to the supervisor by the tenth day of December, the supervisor shall deliver the tax roll with the necessary warrant directed to the sheriff of the county, who shall, before he receives said tax roll, execute and deliver like bonds required of the township treasurer, and make like collections and returns, and shall be entitled to the same compensation on all taxes collected by him by virtue of such warrant as is allowed to the township treasurer, and for the purpose of collecting the same, shall be vested with all the powers conferred upon the township treasurer and suit may be brought on such sheriff's bond under the same circumstances as on those of a township treasurer.

Bonds of, etc.

Disposition of
tax when full
amount not
collected.

SEC. 41. In case the township treasurer shall not collect the full amount of taxes required by his warrant to be paid into the township treasury, such portion thereof as he shall collect shall be retained by him and paid out for the following purposes: The amount of school taxes collected to be paid on the order of the school district officers, the amount collected for general township purposes to be paid on the order of the township board, the amount collected for highway purposes to be paid on the order of the commissioner of highways, countersigned by the township clerk or supervisor, and the amount collected for any special fund to be paid on the order of the proper officer, but in no case shall the amounts collected for any one fund be paid on the orders drawn on any other fund.

Order of pay-
ment of funds.

Who may pay
any or all taxes.
Payment under
protest, etc.

SEC. 42. Any person may pay the taxes or any one of the several taxes on any parcel of land. He may pay any tax whether levied on personal or real property under protest to the township treasurer, specifying at the time in writing, signed by him, the grounds of such protest, and such treasurer shall minute the fact of such protest on the tax roll and in the receipt given. The person paying under such protest may, within thirty days, and not afterwards, sue the township for the amount paid, and recover, if the tax is

shown to be illegal, for the reasons specified in such protest.

Any person owning an undivided share, or other part or parcel of real property assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment, and the receipt given and the record of the receiving officer shall show such description, and by whom paid; and in case of the sale of the remaining part or share for non-payment of taxes, he may purchase the same in like manner as any disinterested person could. Any person having a lien on property may, after thirty days from the time the tax is payable, pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien; but this provision shall not be construed to give the owner of real estate security, taxed as an interest in the land, any additional lien for the tax paid upon such mortgage interest. A tenant of real estate may pay the taxes thereon and deduct the same from his rent, unless there be an agreement to the contrary. Such payment may be made to the township treasurer while the tax roll is in his hands, or afterwards to the county treasurer. The receipt given shall be evidence of such payment.

Payment on undivided share, etc.

Description of part of share.

In case of lien.

Tenant may pay taxes, etc.

SEC. 43. Within one week after the time specified in his warrant, the township treasurer shall pay to the county treasurer, all State and county taxes collected, except that from the State and county taxes collected he may retain a sum sufficient to fill any deficiency in the sum collected for school purposes, but the amount so retained shall not exceed the total delinquent school taxes returned, and the county treasurer shall retain the amounts thus reserved out of the first moneys received by him from any township taxes: *Provided*, That the township treasurer of the township of South Manitou, in the county of Manitou, shall pay to the county treasurer such State and county taxes at any time, on or before the first day of June next after the time specified in his warrant.

When State and county taxes to be paid.

Proviso for South Manitou.

OF THE RETURN OF DELINQUENT TAXES.

SEC. 44. If the township treasurer shall be unable to collect any of the taxes on his roll, assessed on real property, or any interest therein, he shall make a statement of the same with a full and perfect description of such property, and any interest therein, with the several taxes assessed upon each parcel thereof, or interest in such parcel remaining uncollected, which statement shall be verified by the affidavit of such treasurer that such taxes remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels liable to pay such sums

Delinquent taxes on real property, statement of, etc.

On personal
property.

Certificate
of county
treasurer.

Proviso.

Receipt and
statement
to county
treasurer, etc.

Settlement to be
indorsed on
bond, etc.

Roll to be
deposited with
county
treasurer.

Statement of
uncollected
personal taxes,
etc.

whereupon he could levy the same. The township treasurer shall also make a statement showing the taxes upon personal property remaining unpaid and the names of the persons against whom assessed, and the amount against each; and in such statement shall set forth the amount of all moneys collected by him on account of taxes, which statement shall be verified by the affidavit of such treasurer, in which he shall state in substance that the sums mentioned in such statement as uncollected remain unpaid; that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person liable to pay such sums whereupon he could levy the same, and that the amount of moneys collected by him upon such tax roll is truly stated therein. The county treasurer shall immediately compare such statements with the said tax roll, and if he finds the same to be correct, he shall add to each of them a certificate showing that he has examined and compared such statements with the said tax roll and found them correct and shall file such statements in his office: *Provided*, That the county treasurer shall, at the time of making such comparison, and at no other time, reject any tax upon any lands which shall have been twice assessed, or upon any parcel which shall be so erroneously or defectively described that it cannot be ascertained. The county treasurer shall give to the township treasurer a receipt, stating the amount of moneys paid to him by such township treasurer, for which the township shall receive a credit on the books of the county treasurer, and he shall also give such township treasurer a statement of all taxes rejected by him, the amount of delinquent taxes returned, and the amount of any unpaid taxes on personal property, which receipt and statements shall be [the] vouchers of such township treasurer for the amounts specified therein.

SEC. 45. The county treasurer shall thereupon indorse the fact of such settlement on the bond of the township treasurer, which indorsement shall operate as a discharge of the treasurer and his sureties from the obligation thereof, unless the return of such treasurer is incorrect, in which case such bond shall continue in force, and such treasurer and his sureties shall be liable thereon for all damages occasioned by such incorrect returns; and the township treasurer shall immediately deposit his tax roll with the county treasurer, who shall file and preserve the same in his office, and which said roll or a duly certified copy thereof shall, for all purposes, in all courts, suits and proceedings, be taken, held, and used as evidence, in the same manner and with like effect as the original roll. The county treasurer shall give the township treasurer a statement of all the personal taxes which remain uncollected, taken from the return of the latter, with a warrant authorizing him or his successor to collect them according to law, and thereafter the township treasurer or his successor shall have the same power to collect such taxes as under his original warrant.

SEC. 46. When any county treasurer shall receive from a township treasurer a statement of unpaid taxes, together with a list of the lands on which the same are delinquent, verified according to law, such county treasurer shall enter the same at length on the books in his office, provided for that purpose, and he shall make a transcript of all the descriptions of land returned as delinquent for unpaid taxes, except such as may have been rejected by him, with the several taxes assessed upon such descriptions respectively, which transcript shall be compared by the county clerk with the statement of the township treasurer, and if he finds it to be a true transcript thereof, he shall add to it a certificate that he has, upon careful consideration, found it correct.

Unpaid taxes on lands to be recorded.

Transcript of descriptions.

To be compared by county clerk, etc.

SEC. 47. After the return of lands for unpaid taxes the county treasurer is authorized to receive the amounts of the several taxes or any of them due, and the board of supervisors in each county may authorize notice to be given to all delinquent taxpayers so far as known.

Unpaid taxes, payment of.

Notice to delinquents.

SEC. 48. Each county treasurer shall, on or before the tenth day of March of each year, pay to the State Treasurer the full amount of the State tax collected in his respective county. The accounts between the county and the State and the county and each of the townships shall be adjusted on the basis of crediting and paying to each the taxes and interest collected for each. The county treasurers of the several counties on the first days of January, April, July and October in each year, shall make a statement of the account between the county and State and the county and several townships respectively, and render the same to the Auditor General of the State, and the accounts between the county and the several townships to the township treasurer and pay all moneys shown by such statement so rendered to the proper receiving officer of the State, or the township. At the same time the Auditor General shall render an account to the several county treasurers for all county and local taxes that may have been received by him and pay over to the respective county treasurers the several amounts so received by him, on the first days of January, April, July and October in each year. All compensation of officers in the assessment and collection of taxes in the townships and in the return of delinquent taxes to the county treasurer, except fees collected by township treasurers, on their tax rolls, shall be paid by the townships; all compensation of county officers and expenses incurred by them under the provisions of this act shall be paid by the county. All losses that may be sustained by the default of any township officer in the discharge of any duty imposed by this act shall be chargeable to such township. All losses by the default of any county officer shall be chargeable to such county. The several county treasurers shall procure from the Auditor General suitable blanks for the use of the proper officers to fully carry out all the provisions of this act.

County treasurer to pay State taxes.

Adjustment of accounts.

Quarterly statements to Auditor General

Quarterly statement to township treasurer.

Auditor General to render account, etc.

Compensation of officers, how paid, etc.

Losses, how charged, etc.

Auditor General to furnish blanks to county treasurers.

Lands returned
subject to sale,
etc.

SEC. 49. All lands and interest therein returned to the county treasurer as provided by law upon which the several taxes, interest and charges shall not be paid, or be charged back to the proper township or city, shall be subject to sale and redemption as hereinafter provided, and shall be sold by the county treasurer, in the county in which the lands were situated at the time such taxes were assessed.

Who may pay
any or all taxes,
etc.

SEC. 50. Any person may pay the taxes or any one of the several taxes, on any parcel or description of land returned as aforesaid, or any undivided share thereof, with interest computed thereon from the fourth day of February next after the same were assessed at the rate of one per cent per month, and office charges with four per cent as a collection fee to the county treasurer of the county in which the lands are situated, at any time before they are sold: *Provided*, That on all descriptions of land on which any of the several taxes remain unpaid for one year from the first day of July, next after the same has been returned to the county treasurer, there shall be charged an additional forty cents to cover the cost of advertising and selling the same.

Proviso.

Lands subject
to sale, etc.

SEC. 51. All lands returned to the county treasurer, as provided by law, on which any of the several taxes remain unpaid one year from the first day of July next after said return, and have not been charged back to the township or city, shall be subject to sale and redemption as hereinafter provided.

Petition of
county treasurer
to circuit court.

SEC. 52. As soon as practicable after the first day of July in each year, the county treasurer shall prepare and file in the office of the county clerk in each county in which lands are to be sold under the provisions of this act, a petition addressed to the circuit court for said county in chancery, stating therein by apt reference to lists or schedules annexed thereto a description of all lands in such county upon which taxes have remained unpaid for more than one year from the first day of July after the time fixed by law for their return to the county treasurer, and the total amount of the several taxes with interest computed thereon, respectively, to the time fixed for the sale thereof and a collection fee of four per cent extended separately against each parcel of land, and he shall include with and add to the total amount against each parcel one dollar for the cost of advertising and other expenses of sale, which costs and other expenses shall become a charge against all parcels of land on which the taxes shall remain unpaid for more than one year from the first day of July next after the time fixed by law for their return to the county treasurer, and such costs of advertising and other expenses shall be added to and collected with the taxes whenever paid thereafter. Such petition shall pray a decree in favor of the county in which such delinquent lands are situated for the payment of the several amounts so specified therein, and each of them and in default thereof [that] the several descriptions of land upon

Contents of.

Prayer for
decree, etc.

which such taxes were assessed be sold. It shall be signed by the county treasurer and need not [be] otherwise be verified, and shall be deemed equivalent to a bill in chancery to enforce the lien for such several taxes, interest and charges, averring their validity, that they have not been paid, and praying for a sale to enforce such lien.

SEC. 53. The petition shall be in a substantial record book, with the lists of the lands and taxes annexed following the same therein. Such record shall be ruled with appropriate columns, one containing a description of the lands, with columns for the State, county and several township taxes, with interest computed on each separately and added thereto, and a column for the costs and charges claimed due on each parcel of land opposite thereto; also with blank columns, one with a heading, "Parts of descriptions paid before sale or withheld;" another, "By whom paid;" another, "Amount paid before sale;" another, "Amount decreed against lands;" another, "Special orders;" another, "Tax for which parcel sold;" another, "Interest in each parcel sold;" another, "Name of purchaser;" another, "Address of purchaser;" another, "Number of certificate;" another, "Remarks."

The county treasurer may add such other columns as he may find necessary. The word petition shall be construed to include the lists annexed thereto. Said record shall be called "Delinquent tax record." Parts of descriptions of lands upon which taxes are paid before sale, or which are withheld from sale, the amount paid on taxes before the sale, amount of taxes, interest and charges decreed against lands, special orders made by court relating to any parcel of land or any tax, the interest in each parcel of land sold, the name of each purchaser and his address, and [the] number of certificate of sale shall be entered in said record under their appropriate headings, opposite to the description of lands affected thereby. After the filing of said petition, and as soon as he shall receive the same, the county clerk, acting as a register in chancery, shall issue a subpoena directed to each delinquent taxpayer named in the tax roll who is a resident of this State, to appear and answer said petition within twenty days after the return [day] of said subpoena, or in default thereof said petition will be taken as confessed by such delinquent taxpayer, which subpoena shall contain the several descriptions assessed to such taxpayer as shown by said roll. Said subpoena shall be made returnable not less than ten days nor more than thirty days from the issuance of the same, and may be served by any sheriff, under sheriff, deputy sheriff, constable, police officer or other officer who has power to serve legal papers, and shall be personally served upon such delinquent taxpayer, if he can be found within this State, in the same manner as subpoenas in chancery are served, and return of service shall be filed in the county clerk's office and shall become a part of the proceedings in the matter of said peti-

How signed.

Form of petition, etc.

Word "petition" construed.

Called delinquent tax record.

Clerk shall issue subpoena.

When returnable.

Service of, etc.

When personal service had, etc.	tion. When personal service is had, further proceedings shall be taken therein, as far as consistent with the provisions of this act, in the same manner as in circuit courts in chancery. Whenever the delinquent taxpayer is a resident of the county wherein the taxes are to be collected, service shall be made by one of the officers hereinbefore designated, whose return of service filed in the matter shall have the same force and effect as returns upon subpoenas in chancery
Fee of officer, etc.	have when made by proper officers serving the same. The officer serving such subpoena shall be entitled to a fee of twenty-five cents for service of each subpoena and ten cents for a copy thereof served upon such delinquent taxpayer and ten cents for each mile necessarily and actually traveled one way in making such service, and when made by an officer residing at the county seat where said matter is pending, the distance so traveled shall be reckoned from the county court house to the place of making such service: <i>Provided</i> , That when two or more subpoenas are served at the same time or place upon different taxpayers, only one mileage fee shall be charged. Where the delinquent taxpayer is a resident of the State, but not of the county wherein the taxable property is located, it shall be the duty of the sheriff of the county wherein said taxable property is located to transmit said subpoena to an officer who can serve the same and who lives nearest to said delinquent taxpayer, and said officer shall make due service upon such delinquent taxpayer, and after making his return of service, which return of service shall have the same force and effect as if made by an officer residing in the county wherein such taxable property is located, such officer shall return said subpoena to the sheriff from whom the same was received, who shall deliver the same to the county clerk to be filed in the matter of said petition. No delinquent taxpayer shall be entitled to personal notice of the filing of said petition whose title to the lands delinquent is not of record in the office of the register of deeds of the proper county at the time of the issuance of said subpoena unless he be in actual possession thereof. The officer making such service shall receive the sum of twenty-five cents for making and certifying to the service of the same and the sum of ten cents for a copy of the subpoena left with such delinquent taxpayer and ten cents for each mile actually and necessarily traveled one way in making such service, together with a further sum of ten cents for returning said subpoena to the sheriff who transmitted said subpoena to him, and the sheriff transmitting any such subpoena shall receive the sum of ten cents for each subpoena so transmitted. The county clerk shall be entitled to a fee of ten cents for each subpoena issued by him covering one description of land and an additional fee of two cents for each additional description in any one subpoena, and not more than one subpoena shall be issued against any one delinquent taxpayer. If service of such subpoena cannot be made the return of the officer shall so state, together
Proviso.	
When delinquent resides in other county, etc.	
When not entitled to personal service.	
Fees of officers, etc.	
County clerk fee.	
If service is not had, etc.	

with the reason therefor. If any delinquent taxpayer who has been personally served with subpoena shall not appear to defend against the said petition within the time in this section provided, the same shall be taken as confessed by him, and thereupon a decree may be entered against him unless said confession shall, upon application to the court, at a time before said decree is taken, be set aside. Such decree may be taken either in term time or at chambers. All fees and expenses incurred by virtue of this section shall, as soon as incurred, be a charge against the lands properly chargeable therewith and shall be added to and collected with the taxes when paid thereafter: *Provided*, That when more than one description is contained in the same subpoena the total cost of issuance and service thereof shall be apportioned *pro rata* among said descriptions.

When decree to be taken as confessed, etc.

Fees, etc., to be charge, etc.

Provide.

SEC. 54. The county treasurer shall cause a copy of said petition to be published at least once in each week for four successive weeks next prior to the time fixed for the hearing thereof, in some newspaper to be selected by him: *Provided*, It shall be sufficient to print against each parcel the "Amount of each separate tax and interest," and "Charges," due on each. He shall also publish therewith for a like time a notice, by him signed, stating therein in substance that such county has filed such petition in the circuit court for such county in chancery, referring to such copy; that it claims a decree against each parcel of land therein described for the amounts specified; that such petition will be brought on for a hearing and decree at the next term of such court, [to be held] at a time and place in such notice specified; that all persons interested in such lands against whom a decree shall not have been taken desiring to contest the lien claimed thereon for such taxes, or any part thereof, shall appear in said court and file with the clerk thereof their objection thereto on or before said day, and that in default thereof a decree will be taken as prayed for in such petition. In such notice he shall also state that on the first Monday of May next thereafter, the lands described in said petition, and for which an order of sale shall be made, will be sold for the several taxes, interest and charges thereon, as determined by such decree, at some convenient place in said county to be named in said notice. The publication of the notice aforesaid shall be equivalent to a personal service of notice on all persons not personally served who are interested in the lands specified in such petition, of the filing thereof, of all proceedings thereon and of the sale of the lands under the decree, and shall give the court jurisdiction to hear such petition, determine all questions arising thereon, and to decree a sale of such lands for the payment of such taxes, interest and charges thereon. The circuit court in chancery shall have jurisdiction to hear, try and determine the matters alleged in such petition, even though the amount involved therein be less than one hundred dollars.

Publication of petition.

Provide.

Notice, contents of, etc.

To contain also notice of sale of lands, etc.

Publication equivalent to personal service, etc.

Jurisdiction in chancery.

Duty of prosecuting attorney.	SEC. 55. It shall be the duty of the prosecuting attorney to prosecute all such proceedings on the part of the State.
In case of refusal, etc.	If he shall refuse, neglect or be unable to do so, the court shall appoint some competent person to take charge of and prosecute the same, who shall be paid by the county. The board of supervisors may employ some competent person to prosecute such proceedings or assist therein. Proof of the publication of the notices herein required shall be filed before any final order is made.
Proof of publication required.	
Validity of tax, how contested, etc.	SEC. 56. Any person against whom a decree has not been taken desiring to contest the validity of any tax shall file in writing his objections thereto with the clerk of the county, on or before the day fixed in said notice for the hearing of such petition, and shall not be allowed to make any objection not therein specified. If within the first five days after the day fixed in such notice for the hearing of such petition it shall be made to appear to the court that any person has been prevented from filing objections to any tax, without fault on his part, such further time may be granted for that purpose as may seem proper, not exceeding five days. The court shall give precedence to the hearing of such petition over all other business, and shall examine, consider and determine the matters therein stated and objections made in a summary manner without other pleadings, and make final decree thereon as the right of the case may be. The taxes specified in the petition shall be presumed to be legal and a decree be made therefor, unless the contrary is proved. Evidence shall be taken in open court. All oral testimony shall, at the request of any person interested, be written down and filed. The court may make such orders from time to time as may be necessary to facilitate the proceedings, and shall decide all questions as to the admissibility of evidence, and the decision so made shall be final, and not subject to review or appeal. If the lands of two or more persons have been assessed together, the court may, if practicable, separate the same and apportion to each parcel its just proportion of the taxes, interest and charges. If any tax shall be found illegal, it shall be rejected. If a part of any tax shall be found illegal, such part shall be set aside, and the remaining tax shall be declared valid. The total amount of taxes, interest and charges as fixed by the court, shall be entered upon the record of the court opposite each parcel of land in the column of said record under the heading "Amount decreed against lands." If the court shall make any order setting aside the taxes on any parcel of land, or any part thereof, or any special order relating to any particular parcel of land, or taxes thereon, a brief entry of such order shall be made upon said record opposite such land or tax which shall be signed by the judge of the court, either by his full name or initials, and such entry shall have the same effect as if made and entered as a part of the final decree. At least ten days prior to the time fixed for the sale of such lands, the court shall make a final decree in favor of the county for such
When further time given.	
Precedence of petition, etc.	
Legality of taxes presumed.	
Evidence, etc.	
In case of joint assessment.	
Of illegal taxes, etc.	
Decree, amount of, entry, etc.	
Order, entry of, etc.	
Final decree, time of, effect, etc.	

taxes, interest and charges as shall be valid, and determine the amount of the several taxes and the interest thereon chargeable against each parcel of land, and shall order and decree that such several parcels of land, or so much of each as may be necessary to satisfy the amount fixed by such decree, shall severally be sold as the law directs. Such decree shall be considered as a several decree in favor of the county against each parcel of land for each tax included therein. The court may decree such costs against a person contesting any tax as may be equitable if the tax, or any part thereof, which remains unpaid, be adjudged valid. Of costs, etc.

SEC. 57. Such final decree shall be entered in the chancery record for recording decrees of such court, and have the usual caption for decrees, and shall be substantially in the following form: "In the matter of the petition of the county for the sale of certain lands for taxes assessed thereon." "The said petition and the matters therein stated, and the objections filed to certain taxes therein claimed, if any such objections are filed, came on to be heard, and proof of the due publication of notice of hearing of such petitions having been made and filed, and after hearing all parties interested therein, it is ordered, adjudged, and decreed that the several amounts of taxes and interest, collection fee, and charges set down in the columns headed 'Amount decreed against lands,' in the tax record of which petition forming a part of such petition are valid, and decree is made in favor of the county therefor against each parcel of said land for the several amounts set down in said columns opposite to such parcel. It is further ordered, adjudged, and decreed that the several parcels of land, or such interest therein as may be necessary to satisfy the amounts herein decreed against the same, shall be severally sold as the law directs. It is further adjudged and decreed that the several special orders made by this court, and entered on such tax record, are made a part hereof, with the same effect as if entered herein." If costs are adjudged against any person contesting a tax, the decree therefor shall be in proper form and execution awarded. The decree shall be signed by the judge and countersigned by the clerk. Entry of decree in chancery record, form of, etc. Order of sale, etc. How signed, etc.

SEC. 58. Immediately after the entry of such decree, the county clerk shall make a certified copy thereof, and annex the same to the tax record. He shall thereupon deliver such tax record to the county treasurer, in whose office the same shall remain except as needed in the office of the county clerk. Decree, copy of to be annexed to tax record, etc.

SEC. 59. If from any cause the hearing on said petition is not had on the day fixed in the notice therefor, the same shall stand continued from day to day during the term without the entry of any order of continuance, until disposed of, and if it shall for any reason be found impracticable to hear and determine the objections to all of the taxes specified in such petition within the time herein fixed for that purpose, Hearing may be continued, etc. In case hearing can not be had in all cases.

then and in that case the court shall, within the time herein named, make a final decree as to all taxes to which no objections have been filed, and also those to which objections have been filed which the court has then heard and passed upon. Such decrees shall be signed and recorded as hereinbefore provided. The court shall proceed with the consideration of the remaining taxes embraced in such petition, and objections thereto, and as soon as practicable dispose of the same by one or more decrees and in such form as the court may determine, which shall be entered in the chancery record of decrees of such court, and the same shall describe the lands and specify the total amount of taxes, interest and charges on each parcel thereof. The county clerk shall immediately thereafter deliver to the county treasurer a certified copy of such decree, to be kept and used as hereinbefore provided. Such copy of decree shall be annexed to the tax record and shall thereby become a part thereof. If from any cause no decree shall be made on such petition as to the taxes therein named, or any part thereof, in time for sale to be made by the county treasurer as in this act provided, the proceedings shall be deemed to be discontinued without prejudice, and the county treasurer shall include the lands in regard to which no decree has been rendered, with the taxes, interest, collection fee and all other fees, costs and charges by this act provided, in the petition with the lands delinquent for taxes of the succeeding year, and proceedings thereon shall be the same and a decree and sale [made] as herein provided.

Decree, copy of
to be annexed to
tax record, etc.

In case no de-
cree is made,
etc.

Appeals, how
taken, etc.

SEC. 60. In case a decree is given in favor of the validity of any disputed tax, and the person contesting its validity desires to appeal to the Supreme Court, he shall be allowed to do so on paying the amount of the decree to the county [treasurer], treasure within ten days after the date of such decree, who shall retain the same until the decision of the Supreme Court, and pay the same to the party interested if such tax is held invalid; if held valid, then such money shall be credited to the proper fund. By such payment the land in question shall be discharged from the lien of the tax. In case the decision is against the validity of any tax the county [treasurer] treasure shall have a right to direct an appeal therefrom to the Supreme Court on behalf of the State, county or township, but there shall be no sale for the tax held invalid, until such decision has been reversed or modified by the Supreme Court.

Proceedings in
court.

Notice of
appeal, bonds,
etc.

SEC. 61. The proceedings where the validity of any tax is in dispute shall, where no other provision is made herein, follow the ordinary chancery practice, and the court may allow amendments as in ordinary cases. Notice shall be given of all appeals to the Supreme Court and such appeal shall be claimed, entered and bond for costs given, within twenty days after the making and entering of the decree.

When the appeal is taken in behalf of the State, county or township, no bond shall be required. The judge shall, at the request of either party, and on due notice, settle in proper form a case containing so much of the record and proceedings as may be necessary to the due understanding thereof by the Supreme Court, and if appeal shall be taken such case shall be transmitted to such court. An appeal as to the tax on any parcel shall not delay or affect the proceedings for the sale of any land for any tax on which there has been no appeal.

Duty of judge.

Effect of appeal, etc.

SEC. 62. On the first Monday of May the county [treasurer] treasure shall commence the sale of those lands mentioned in the decree upon which the amounts charged shall not have been paid, and shall continue the same from day to day, Sundays and other legal holidays excepted, until so much of each parcel shall be sold as shall be sufficient to pay such amounts. Each parcel described in the decree shall be separately exposed to sale for each of the said several taxes contained therein until a bid for any given tax shall be received and the sale shall be made to the person offering to buy for any given tax in the order prescribed in this act and paying the remaining amount charged against such parcel in the decree and accepting a conveyance of the smallest undivided fee simple interest therein. No greater interest in any parcel shall be sold than is sufficient to pay the amount of the tax on which the same is sold. If no person will buy for any of said several taxes and pay the balance thereof and take a conveyance of less than the entire thereof, then the whole parcel shall be sold. The sale shall be at the county seat, and at such convenient place as may be selected by the county [treasurer] treasure, and shall be subject to the taxes assessed subsequent to taxes included in the decree. The county [treasurer] treasure may, in his discretion, require immediate payment of any person to whom any parcel of such land may be struck off, and in all cases where payment is not made in twenty-four hours, he shall declare the bid canceled and sell the land again; and any person to whom any parcel of land shall be so struck off, neglecting for twenty-four hours after the close of such sale to pay to the county [treasurer] treasure the amount of such bid, shall forfeit to the county five times the amount of such bid, which amount may be recovered, in the name of the people of the State of Michigan, in an action of debt, in any court of competent jurisdiction. Any subsequent bid of such person made at the sale may be disregarded by the [treasurer] treasure. If any parcel of land cannot be sold for taxes, interest and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of [the] sale, be re-offered; and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county [treasurer] treasure shall bid off the same in the name of the State, for

When sale to commence.

How conducted, etc.

Place of, etc.

Payment of bid, etc.

When no bids are made, etc.

To be bid off for the State.

Entries by treasurer, etc.	the State tax, interest thereon, and costs and charges for the use of the State. The county [treasurer] treasurs shall enter in the proper columns of such tax record the interest in lands sold, the name and postoffice address of each purchaser opposite each parcel of land sold, and the word "State" opposite each parcel bid off in the name of the State, and he shall keep in a proper record book a statement of all
Certificates of sale, etc.	lands bid off to the State each year. Certificates shall be given to each purchaser of the lands and interests bid off by him, showing the tax for which he has purchased and also the amount thereof and of all other taxes paid by him at the time of such purchase, stating that he will be entitled to deed after the period of redemption provided for in section sixty-four has expired, and that if the sale is not confirmed the money will be returned. All lands bid off in the name of the State shall continue liable to be taxed in the same manner as if they were not the property of the State.
Lands bid off to State subject to taxes.	If from any cause the lands or any parcel thereof advertised for sale by the county treasurer, shall not be sold as advertised, it shall be the duty of the county treasurer to cause sale to be made at such other time as he may fix for that purpose, of which notice shall be published at least four weeks prior to such day, and such notice shall contain a description of the lands and the amount claimed thereon.
When sale is not had, etc.	The sale and all proceedings thereon shall be the same as if made on the day first fixed therefor: <i>Provided</i> , That if any parcel sold under the provisions of this section shall also be offered at the same sale as State tax lands, the purchaser must also, at the same time, become the purchaser from the State tax land list and must pay all the remaining taxes assessed for the year for which he purchased with
Proviso.	interest thereon; all sales made in contravention of this requirement shall be void.
What sales void.	SEC. 63. The county treasurer shall add for office charges upon each certificate containing one description, twenty-five cents, and for each subsequent description upon the same certificate, five cents, which amount, together with the interest and other charges, shall be credited to the contingent fund of the county.
Office charges, etc.	SEC. 64. At the sale aforesaid the respective county treasurers shall give to the purchasers, on the payment of the bids, a certificate in writing describing the lands purchased, and the amount paid therefor, and such certificate shall be regularly numbered and entered in a book kept for that purpose, and designated as "sales book," the name of the person to whom the same was issued, the number, date and amount of each certificate. Such certificate shall be in substantially the following form:
Certificate of lands purchased, etc.	
Form of.	

STATE OF MICHIGAN, }
 County of _____ } ss.
 County Treasurer's Office _____, A. D. 18....

I, _____ county treasurer of the county of _____ in said State, do hereby certify that I did, at public auction, pursuant to notice given as by law required, on this _____ day of _____, A. D. 18.... sell to _____ or the State of _____, the lands herein described, for the sum of _____ dollars and _____ cents, said sum being the amount due and unpaid for taxes, interest and charges on said lands for the year of our Lord one thousand eight hundred and _____, that the said _____ his heirs, or assigns, or State assigns will, if said sale stands confirmed, be entitled to a deed of conveyance of said lands in one year from the thirtieth day of September next following, unless sooner redeemed from such sale according to law. Said lands are described as follows, with the sum for which each tract was sold, set opposite each description, that is to say: (Here insert description, and separately the amount bid on each tract.)

_____ County Treasurer.

SEC. 65. On presentation of such certificate of sale to the county treasurer or his deputy, after the expiration of the time provided by law for the redemption of land sold as aforesaid, the county treasurer or his deputy, shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless the sale thereof shall have been redeemed or annulled as by law provided, which deed shall be entitled to record in the office of the register of deeds of the proper county, in the same manner and with like effect as other deeds duly witnessed, acknowledged and certified. Such deeds shall convey an absolute title to the land sold, and be conclusive evidence of title in fee in the grantee, subject, however, to all taxes assessed and levied on such lands subsequent to the taxes for which the same was bid off. The court may, on application, put the purchaser in possession of the premises by writs of assistance.

When deed to
issue, etc.

Effect of deed.

SEC. 66. In the case of the loss of such certificate of sale, the purchaser, or his legal representative or assignee, may file his affidavit of such loss, and that he was at the time of such loss the *bona fide* and legal holder thereof; and the county treasurer or his deputy shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it has been presented and surrendered; and if the same shall have been redeemed, on the presentation of such affidavit, the money shall be paid to such person in the same manner as though the certificate of sale had been surrendered. Any person who shall make an affidavit as above required, or concerning any

In case of loss of
certificate, etc.

False statement
perjury.

other matter which may be filed in the office of the county treasurer, shall be liable to the penalties of perjury for any false statement made in such affidavit with intent to defraud, upon conviction thereof, before a court having jurisdiction of the offense.

Report of sale,
filing of, etc.

Objections,
filing of, etc.

Proviso,

Idem.

In case sale is
set aside.

Redemption of
lands sold for
taxes, etc.

Certificates of
redemption.

List of illegal
assessments, etc.

SEC. 67. As soon as possible after the conclusion of any sale, and within twenty days after the day named in the notice for the commencement thereof, the county treasurer shall make and file with the clerk of the court a report of such sale, therein referring to such tax record for the particulars thereof. All sales shall stand confirmed, subject to the right of redemption provided for in section sixty-four, unless objections thereto are filed within eight days after the time limited for filing such report without the entry of any order of further notice. The practice with reference to setting aside such sale shall be the same, so far as applicable, as in a sale in equity on the foreclosure of mortgages: *Provided*, That no sale shall be set aside after confirmation, except in cases where the taxes were paid, or the property was exempt from taxation. In such cases the owner of such lands may move the court at any time within one year after he shall have notice of such sale, to set the same aside, and the court may so order upon such terms as may be just: *Provided also*, That no sale shall be set aside after the purchaser, his heirs or assigns, has been in actual possession of the lands for five years. If a sale is set aside, the county treasurer shall refund to the purchaser the amount paid at time of sale.

SEC. 68. Any person owning any of the lands sold as aforesaid, or any interest therein may, on or at any time previous to one year from and after the thirtieth day of September next succeeding such sale, redeem any parcel of such lands, or any part or interest in such lands, by showing to the satisfaction of the county treasurer that he owns only that part of interest in the same which he proposes to redeem, by paying to the county treasurer the amount of the sale of the parcel of land, or the portion thereof wished to be redeemed, and interest thereon from the date of such sale at the rate of one per cent per month.

SEC. 69. Upon the payment of the redemption money and interest thereon to the county treasurer aforesaid, he shall issue a redemption certificate in the usual form and record the same in the sales book, with the date and amount of payment.

SEC. 70. Each county treasurer shall, at the October session of the board of supervisors of his county, present to such board a list of all lands illegally or improperly assessed or described; also a list of all taxes overcharged or charged back to the several townships and cities for any reason contained in this act, and the board of supervisors shall take the same under consideration and shall order the said amount re-assessed on said land if practicable or otherwise dispose of the same.

SEC. 71. Whenever any court of competent jurisdiction shall by decree annul any deed executed by such county treasurer as aforesaid, the clerk of such court shall, on the payment, by any party interested, of fifty cents, deliver to such person a certified copy of such judgment, decree, or order, which certified copy of such judgment, decree or order shall be a proper subject of record in the office of the register of deeds of the county in which the land is situated, and on recording the same, the register shall enter in the margin of the record of the tax deed affected by such record, a brief statement of such judgment, decree or order.

In case deed is annulled, etc.

SEC. 72. All lands heretofore or that may be hereafter bid off to the State for taxes, which have not been redeemed or otherwise disposed of, shall be offered for sale by the county treasurer at the tax sales provided to be held the first Monday of May for the State taxes.

Lands bid off to State.

SEC. 73. The Auditor General shall furnish to each county treasurer in the month of February prior to the month of May in the year in which such tax sales are held as provided in this act, a full and complete statement of all lands in his county that may have been bid in for the State, remaining unredeemed or not otherwise discharged; and the county treasurer, with the list so furnished, shall prepare a complete statement of all land bid off for taxes.

Auditor General to furnish statement, etc.

SEC. 74. Such statement shall exhibit the aggregate amount of all sums due to the State on each description of land, including interest thereon, at the rate of six per cent per annum from the time the land was bid in to the State, until the said first Monday in May, the time of said sale heretofore provided for by this act, and include lands returned by the Auditor General and the lists kept by said treasurer.

What statement to contain.

SEC. 75. The county treasurer shall cause to be published for four weeks successively (which shall be construed to mean four publications once a week) next previous to the first Monday of May in the years provided by this act, a notice that the lands described in such statement will be sold by him at public auction at the time and place designated for the regular tax sales.

Notice of sale, publication, etc.

SEC. 76a. At the time and place designated in the notice, the county treasurer shall proceed to sell said lands last mentioned and continue the same from day to day, except Sundays, until the whole have been offered, and any person bidding on any of said lands, shall be subject to the requirements, provisions and penalties of section sixty-two of this act.

Sale of such lands.

SEC. 76b. In all cases where a description of land is offered as State or county tax land, and the same description or any part thereof shall be offered in the list of lands delinquent for taxes, as provided in section sixty-two of this act, the county treasurer shall inform the person bidding for the same of that fact, and such person shall be

State and county tax lands delinquent for taxes, etc.

Treasurer to refuse bid.	required to purchase said description at the same time, and if he refuses so to do, the treasurer shall refuse his bid, and shall again offer it as if no bid had been made thereon.
Certificate of sale.	SEC. 77. The county treasurer shall, on payment of the purchase money of such sale, issue a certificate of sale to the purchaser, in such form as is prescribed by section sixty-four of this act, number the same, and shall enter the name of the person to whom the same was issued, with the number, date and amount thereof, in a book kept in his office for that purpose.
When deed to issue, etc.	SEC. 78. After the period of redemption provided for in this act shall have expired, the county treasurer on presentation and surrender of such certificate, shall issue to the purchaser, his heirs or assigns a deed of conveyance except when the same has been redeemed or bid off to the State for a future year, and in case of redemption the amount of the redemption shall be paid to such person: <i>Provided</i> , That such deed shall have the same force and effect as is given by section sixty-five of this act.
Proviso.	
In case of loss of certificate, etc.	SEC. 79. In case of the loss of such certificate of sale, the purchaser or his legal [representative] representatives or assigns, may file his affidavit duly verified of such loss, and that he was, at the time of such loss, the <i>bona fide</i> and legal holder and owner thereof. The county treasurer shall thereupon execute, as aforesaid, a deed for the land described in said certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered. The county treasurer shall execute a second deed of lands conveyed as herein provided, in all cases in which he shall be satisfied, by sufficient proof, that the original deed and record thereof has been lost or destroyed, which said deed shall declare upon its face that it is a second deed, and shall recite the loss or destruction of the former deed and its date, if possible. Such deed shall insure to the benefit of the grantee in the first deed, his heirs or assigns, as the case may be, and shall have the same force and effect as said first deed. Before the execution of [such] said deed the party applying therefor shall pay to the county treasurer the sum of fifty cents.
When second deed to issue, etc.	
Fee for.	
Purchase of State or county tax lands.	SEC. 80. Any person may purchase any State tax lands of such county treasurer by paying therefor the amount for which the same was bid off to the State with interest on the same at the rate of one per cent per month from date of sale.
Deed for same.	SEC. 81a. Upon the payment to the county treasurer as aforesaid, he shall execute to the purchaser, a deed conveying all right, title and interest of the State or county to said tax lands acquired by virtue of the original sale or sales to the said State or county.
How executed.	SEC. 81b. All of the provisions of law relative to deeds executed by the county treasurer on the surrender [of] certificates of sale of State tax or county tax lands, issued by the

several county treasurers, shall be applicable to deeds executed by him for lands purchased at his office pursuant to the provisions of this act.

SEC. 82. All expense of sale, postage, and other charges incident to the sale of lands bid in to the State as aforesaid, shall be paid out of the contingent fund of the county. Expense of sale, etc.

SEC. 83. In all cases where it shall become necessary, in the prosecution of an action of ejectment by any person holding an adverse claim to any lands hereafter bid in for the State as provided in this act, the Auditor General, and for lands hereafter bid in for the State by the county treasurer the said county treasurer may be defendant, and in all cases in the prosecution or defense of an action of ejectment or trespass by any person holding or claiming land under any deed or deeds or other conveyance of land bid off or purchased for delinquent or unpaid taxes, the party reclaiming under and by virtue of such purchase for unpaid taxes may show his title to said land and premises, whether the same was derived under one or more purchases or sales for taxes or otherwise, and may give in evidence any and all deeds of conveyance or other legal evidence of such purchase as aforesaid, which he may have received on sales for taxes, and may claim title under any or all of them. In cases of ejectment, etc. May show title, etc.

SEC. 84. Neither the sale of State tax lands, nor the sale of any of the bids of the State for which the time of redemption has not expired shall, in any wise prejudice the rights of the county to enforce the collection of any tax subsequent to the year or years for which the same has been sold as aforesaid, and for the taxes and charges remaining unpaid for said subsequent year or years, the county treasurer shall cause such lands to be offered in regular succession at the next ensuing annual [sales] sale for taxes, giving notice as required by law unless previously redeemed or otherwise discharged. Sale not to prejudice collection of taxes, etc.

MISCELLANEOUS PROVISIONS.

SEC. 85. The Commissioner of the State Land Office shall, during the month of March [in] of each [year], furnish to the several county treasurers a list of all part-paid State lands, and also of all licensed homestead lands that have been licensed for a term of five years and over, together with a list of all State lands in their respective counties with the date of each license, and the name of the license, in their counties respectively, and such treasurer shall, on or before the tenth day of April next thereafter, cause to be delivered to the supervisor of each township affected thereby, an accurate description of all such lands in his township, with the names of the persons holding the same. Lists of part-paid and homestead lands, etc.

SEC. 86. No tax assessed upon any property, or sale therefor, shall be held invalid on account of any irregularity in any assessment, or on account of any assessment or tax Validity of taxes, etc.

Records <i>prima facie</i> evidence, etc.	roll not having been made or proceeding had within the time required by law, or on account of real property having been assessed without the name of the owner, or in the name of any person other than the owner, or on account of any irregularity, informality or omission, or want of any matter of form or substance in any proceeding that does not prejudice the rights of the person whose property is taxed; and all proceedings in assessing and levying taxes, and in the sale and conveyance therefor, shall be presumed to be legal until the contrary is affirmatively shown. All records, statements, affidavits and certificates herein provided [for] shall be <i>prima facie</i> evidence of the facts therein set forth.
Absence of record, etc.	The absence of any record of any proceeding or proceedings or the omission of any mention in any record of any vote or proceeding, or of mention of any matter in any statement or certificate that should appear therein under the provisions of any law of this State, shall not affect the validity of any proceeding, tax or title depending thereon: <i>Provided</i> , That the fact that such vote or proceeding was had or tax authorized is shown by any other record, statement or certificate made evidence by the terms of this act or any other law of this State. No tax, or sale of property for any tax, shall be rendered or held invalid by showing that any record, statement, certificate, affidavit, paper or return cannot be found in the proper office, and unless the contrary is affirmatively shown, the presumption shall be that such record was made, and such certificate, statement, affidavit, paper or return was duly made and filed. Where any statement, certificate or record is required to be made or signed by a school district board, or township board, such statement, certificate or record may be made and signed by the members of such boards, or a majority thereof, and it shall not be necessary that other members be present when each signs the same. The provisions of this section shall not be construed to authorize any showing impeaching the validity of any deed executed by the county [treasurer] treasurers, under the provisions of this act, but such deed shall be held absolute and conclusive, as herein provided.
Signatures of boards, etc.	
Validity of deed not impeachable, etc.	
Legality of taxes, etc.	SEC. 87. In any suit or proceeding to enforce or set aside any tax, such tax shall be held illegal only for one of the following reasons: <i>First</i> , That no law authorizes such tax; <i>Second</i> , That the person or persons appointed to decide whether a tax shall be raised under a given law have acted without jurisdiction, or have not imposed the tax in question; <i>Third</i> , That the person or property assessed was exempt from the taxation in question, or was not assessed; <i>Fourth</i> , That the tax has been paid; <i>Fifth</i> , That the supervisor or board of review in assessing a person or property for taxation, or in the apportionment of the tax to the person or property in question acted fraudulently.
When amount only is affected.	If any such illegality, omission or fraud affects the amount

of the tax only the tax shall be sustained so far as the same is just and legal.

SEC. 88. In the prosecution or defense of any action or proceeding by any person holding or claiming land under any deed or deeds of lands purchased for delinquent taxes, the party so claiming, under and by virtue of such purchase, may show his title to such land and premises, whether the same was derived under one or more purchases, and may give in evidence any [and] all deeds of conveyance or other evidence of such purchases as aforesaid, which he may at any time have received, and may claim title under any or all of them.

Purchaser may claim under any or all deeds, etc.

SEC. 89. It shall be the duty of the prosecuting attorney of each county to give his council and advice to the county treasurer, the township treasurer and the supervisors of the county, whenever they or any of them may deem it necessary for the proper discharge of the duties imposed upon them in this act free of charge.

Prosecuting attorney to give advice, etc.

SEC. 90. In all cases of sale of land for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sale the deed may be executed by the county treasurer, to and in the name of the deceased person, if such deceased person being still alive would be entitled to a deed, which deed shall vest the title in the heirs or devisees of such deceased person in the same manner, and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed may issue to the assignee thereof, and in like cases which have heretofore occurred the same rule shall apply, and all deeds heretofore issued in the name of any deceased person, who if living at the time of the execution thereof would have been entitled thereto, shall have like effect as above provided.

In case purchaser dies, etc.

SEC. 91. The county treasurer shall, on or before the first day of May in each year, make a return to the Commissioner of the State Land Office of all homestead and part-paid State tax lands, the fee of which is in the State, the taxes upon which have not been collected with a description of the same and a statement of the amount of taxes thereon. The person holding such interest in any parcel of land shall, on or before the fifteenth day of July following such [return] returns, pay to the State Treasurer the taxes assessed thereon, with interest at the rate of one per cent per month from the first day of February last preceding, and in default [thereof] thereto the certificate of purchase of such parcel of land may be declared void and such lands shall be subject to sale and redemption in the same time and manner as lands forfeited for non-payment of interest, and no patent shall be issued of such lands until all taxes and interest thereon are paid.

Return of delinquent part-paid and homestead lands, etc.

SEC. 92. The Commissioner of the State Land Office shall, on or before the first day of January, April, July and

Duty of Commissioner of Land Office.

October, in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of such payments. The Auditor General shall thereupon draw his warrant upon the State Treasurer for the amount collected for said county, payable to the treasurer thereof, which shall be transmitted by the Commissioner of the State Land Office to the treasurer of each county, accompanied by a statement of the amount collected, so far as relates to his county.

Act to apply to
certain cities
and villages.

Township to
include what.

Provide for a
board of
review.

Sessions of.

Officers of, etc.

Oath of.

Unpaid city or
village taxes,
etc.

May provide for
judicial sale,
etc.

Authority of
deputies.

SEC. 93. This act shall be applicable to all cities and villages where not inconsistent with their respective charters. With such exception the provisions herein as to supervisors, township treasurers and boards of review, shall include all assessing and collecting officers and all boards whose duty it is to review any assessment roll. The word township may include city, ward or village. When by the charter of any city or village, delinquent taxes or assessments are returned with other taxes to the county treasurer, such city or village shall not be entitled to payment of or credit for the same until the money has been received, notwithstanding anything in [their] these respective charters to the contrary: *Provided*, That in any incorporated city the charter of which [does] does not provide for a board of review, such board shall consist of the several supervisors or other officers making the assessment, the city attorney and additional members to be appointed by the common council, who shall not be aldermen, equaling the number of supervisors or assessing officers. The session of said board of review shall be held at the council room on the same days as designated for the meeting of the township board of review, and the proceedings thereof conducted as near as may be in the same manner. Said board shall elect a chairman and clerk, who shall certify to the correctness of the several assessment rolls when completed. The appointed members of said board of review shall, within ten days after appointment, and before entering on the duties of such board, take the constitutional oath of office, as prescribed in section 19 of this act which shall be [filed] filled in the office of the city recorder or clerk.

SEC. 94. The authorities of any city or village, the charter of which [does] does not so provide, may provide by ordinance for the return of all unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers. The taxes thus returned shall be collected in the same manner as other taxes returned.

SEC. 95. The authorities of any city or village which, by its charter, has the right to sell lands for unpaid taxes or assessments, may provide for judicial sale of such lands. Such sale shall be made on petitions filed in behalf of the city or village in interest, and shall conform, as near as practicable, to the provisions as to sale in this act.

SEC. 96. When an officer is authorized to do any act, his deputy shall have the same authority, and such officer shall be responsible for the acts of his deputy.

SEC. 97. Supervisors shall be allowed, for their services in assessing property, making tax rolls, and for extending taxes thereon, at the rate of two dollars per day, for each day actually and necessarily spent in making the same. The members of the board of review shall be paid at the same rate per day, for each day actually and necessarily spent in attendance upon the board. The accounts for such services shall be verified, audited and paid as other township expenses are audited and paid. County officers shall be paid for services under this act, by salary or otherwise, as the board of supervisors shall determine: *Provided*, That the city of Detroit shall be exempted from the provisions of the last clause of this section, and the common council shall have power to fix and determine the compensation of the city assessors thereof.

Compensation
of supervisors.

Of board of
review.

Of county
officers.

Proviso for
Detroit.

SEC. 98. The township treasurer, with the consent of the township board, may appoint a deputy who shall possess all the powers and may perform all the duties of the treasurer. Such township treasurer and his bondsmen shall be liable for the acts and defaults of such deputy treasurer; such deputy shall be paid by the treasurer.

Of deputy town-
ship treasurer.

SEC. 99. If at any time it shall be discovered that the treasurer of any township has received the tax assessed upon property which he has returned delinquent, the supervisor shall have power and he is hereby required to collect the same, with interest and charges, in the name of his township from such treasurer or his sureties. No injunction shall issue to stay proceedings for the assessment or collection of taxes under this act.

Of taxes paid
but returned by
treasurer.

Injunction not
to issue.

SEC. 100. If any supervisor or other assessing officer of any township or city shall willfully assess any property at more or less than what he believes to be its true cash value, he shall be guilty of a misdemeanor, and on conviction thereof he shall be punished by imprisonment in the county jail, not exceeding one year, or by fine not exceeding five hundred dollars, at the discretion of the court. If any board, whose duty it is to review the assessment of an assessing officer, shall willfully assess property at more or less than its cash value, the members voting in favor of such action shall severally be guilty of a misdemeanor, and on conviction shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, at the discretion of the court.

Wrong assess-
ment willfully a
misdemeanor,
etc.

SEC. 101. If any officer to whom any tax is paid shall fail to make proper entry and return of such payment, he shall be liable to any person injured for the full amount of the injury, and if such failure is willful he shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, in the discretion of the court.

Penalty for
failure to make
proper entry,
etc.

SEC. 102. Any person who under any of the proceedings

Perjury, what
to be, etc.

	required or permitted by this act shall willfully swear falsely, shall be guilty of perjury and subject to its penalties.
Willful neglect, etc., a misdemeanor, etc.	SEC. 103. Any officer who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act shall, when no other provision is made herein, be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars, in the discretion of the court, and shall be liable to any person injured thereby to the full extent of the injury sustained.
Cashier, neglect of duty by, a misdemeanor, etc.	SEC. 104. If the cashier of any bank shall willfully neglect or refuse to make and file in the office of the county clerk, a list of the names of the stockholders, the amount of stock held by each, and their respective residences, as provided in this act, or shall willfully make and file any false entry or statement in any such list, he shall be guilty of a misdemeanor and on conviction be punished by a fine not exceeding five hundred dollars.
Person having lien may pay taxes, etc.	SEC. 105. Any person who has a lien upon any lands returned for non-payment of taxes, may pay the taxes, interest, and charges thereon; and the receipt of the county treasurer or the State Treasurer therefor, duly countersigned, shall constitute an additional lien on such lands, to the amount therein specified; and the amount so specified shall be collectible, with interest thereon, in the same manner as the original lien.
Injunction to restrain waste, etc.	SEC. 106. The holder of any tax certificate shall at any time after its issue, have the right to an injunction to restrain waste on any of the lands described in such tax certificate, where such lands are chiefly valuable for timber, and the circuit court in chancery of the county in which such lands are situated shall have jurisdiction to grant such relief on bill or petition where no other relief is sought.
When right to recover barred.	SEC. 107. The right to recover possession of any land by any person claiming through or under any deed executed by the county treasurer by virtue of the provisions of this act shall be forever barred by the actual, open and continuous possession of any person claiming such land adversely to such tax deed for the period of five years after the execution of such tax deed: <i>Provided</i> , That if the person claiming through or under such tax deed shall have once taken actual and peaceable possession of such land, by the virtue of his deed, and shall have continued in such actual possession for five years next thereafter, then the provisions of this section shall not apply, but in such case he shall be conclusively deemed the owner in fee simple of such land.
Proviso.	
When action for recovery must begin.	SEC. 108. No person shall bring or maintain any action for the recovery of any land or the possession thereof, or make any entry thereupon, unless such action is commenced or entry made within five years after the right to make such entry or to bring such action shall have first accrued

to the plaintiff or to some person through whom he claims when the defendant claims title under a deed made by the county treasurer in pursuance of the provisions of this act.

SEC. 109. The [limitation] limitations for bringing actions in the last two preceding sections shall not apply to any person who shall be a minor, nor to idiots or insane persons, but such minor may bring such action or actions after the time limited, at any time during his minority and within one year thereafter; nor shall such limitation apply where the taxes for the non-payment of which the land was sold and the tax deed executed were paid prior to the sale or where the land was redeemed from operation of such sale as provided by law, nor where the land was not liable to taxation.

When limitations not to apply.

SEC. 110. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State, a sufficient number of copies of this act, with such blank forms of delinquent tax record, [certificates] certificate, deeds, tax rolls, and other necessary papers to carry out proceedings under the provisions of this act, and sufficient to furnish [for] each supervisor, township treasurer, township clerk, and county clerk, the necessary copies to each county treasurer, and shall transmit to each county treasurer, at the expense of the county, a sufficient number for such county; and every county treasurer receiving such copies shall immediately transmit to the township clerk of each township the copies to be distributed by him to the officers entitled thereto.

To have this act printed for distribution, etc.

SEC. 111. Act 195, laws of 1889, being an act to provide for the assessment of property and the levy of taxes thereon and for the collection of taxes heretofore or hereafter levied, and all acts or parts of acts in anywise contravening any of the provisions of this act are hereby repealed, but such repeal shall in no manner affect any rights which may have accrued, or may hereafter accrue under such [acts] act or parts of acts: *Provided*, That all lands heretofore returned delinquent that have not been offered for sale shall be offered for sale by the Auditor General under act [number] 195, of the laws of 1889, and all proceedings relative to the sale of such lands and the redemption thereof and the issuing of deeds therefor shall be conducted according to the provisions of said act 195, of 1889, by the Auditor General: *And provided further*, That any lands offered under the above proviso and not sold, or that shall be bid off for the State shall, after such offer or sale to the State, be subject to the other provisions of this act.

Acts, etc., repealed.

Proviso.

Further proviso.

Approved July 7, 1891.

JOINT RESOLUTIONS, 1891.

[No. 1.]

JOINT RESOLUTION proposing an amendment to section one, article nine, of the constitution of this State, relative to the salary of the Attorney General.

Resolved by the Senate and House of Representatives of the State of Michigan, That an amendment to section one, of article nine, of the constitution of this State be and the same is hereby proposed, to read as follows:

SECTION 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the Attorney General shall receive an annual salary of two thousand five hundred dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided:

Be it further resolved, That said amendment shall be submitted to the people of this State at the next spring election, on the first Monday of April, in the year one thousand eight hundred and ninety-one, and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State at least twenty days prior to said election, and the said sheriffs are required to give the several notices required by law, and the several townships and cities in this State shall prepare suitable boxes for the reception of ballots cast for or against said amendment. Each person voting for said amendment shall have written or printed on his ballot the words, "Amendment to the constitution relative to the salary of the Attorney General — Yes," and each person voting against said amendment shall have on his ballot in like manner, "Amendment to the constitution relative to the salary of the Attorney General— No." The ballots shall in all respects be canvassed and returns made as in general elections of State officers.

Ordered to take immediate effect.

Approved March 11, 1891.

[No. 2.]

JOINT RESOLUTION requesting the Senate and House of Representatives of the United States to propose and submit to the legislatures of the several states amendments to the constitution of the United States, providing for the election of President and Vice President of the United States by a direct vote of the people, and for the election of United States Senators on a general ticket by the people of each State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Senate and House of Representatives of the United States be requested to propose and submit to the legislatures of the several states of the union an amendment to the constitution of the United States providing for the election of President and Vice President of the United States by a direct vote of the people;

Resolved, That the Senate and House of Representatives of the United States be further requested to propose and submit to the legislatures of the several states of the union, an amendment to the constitution of the United States, providing for the election of United States Senators on a general ticket by the people of each state;

Resolved, That the Governor be requested to forward copies of this resolution to the Senate and House of Representatives of the United States and to each of our Senators and Representatives in Congress.

[Ordered to take immediate effect.]

Approved April 23, 1891.

[No. 3.]

JOINT RESOLUTION authorizing the board of State auditors to audit and pay the claim of Patrick Mulcrone of the city of St. Ignace for meat furnished to Company B, Fourth Regiment, and Company H, Third Regiment, Michigan State Troops, while encamped on Mackinac Island at the annual State encampment in the year 1888.

WHEREAS, It appears that Patrick Mulcrone of St. Ignace, Michigan, furnished Company "B," Fourth Regiment and Company "H," Third Regiment, Michigan State Troops with meat while encamped on Mackinac Island in the year 1888;

WHEREAS, By some misunderstanding with the officers of said companies the said Patrick Mulcrone has not received any pay for [the] meat furnished the said companies:

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and are hereby authorized to investigate and examine said claim and determine as to the same, and what amount, if any, is justly and equitably due and owing to said Patrick Mulcrone, or should in justice and equity be paid to said Patrick Mulcrone therefor, and said board is hereby authorized and empowered to settle and adjust such claim and to allow said Patrick Mulcrone such

sum, with interest, as they shall find justly and equitably due him, or to which he may be justly and equitably entitled.

This joint resolution is ordered to take immediate effect.

Approved April 23, 1891.

[No. 4.]

JOINT RESOLUTION authorizing the board of State auditors to investigate, examine and settle any claim found to be due Robert Lake, of the city of Jackson, against the State of Michigan for damages or compensation, by reason of extra or additional work performed and material furnished by said Lake, at the request of the warden and board of inspectors of the State Prison at Jackson, in this State.

WHEREAS, Said Robert Lake claims that he did, on or about the nineteenth day of August, eighteen hundred eighty-seven, by a contract in writing, bearing date on that day, agree with H. F. Hatch, as warden of said State Prison, to furnish labor and materials for the construction of a cell block and wing to said State Prison, as specified in said contract or agreement, for the sum and upon the terms also therein specified; and

WHEREAS, Said Robert Lake claims that he did fully perform said contract or agreement on his part, on or before the twenty-fifth day of August, eighteen hundred eighty-eight, and such performance was accepted by said warden and board of inspectors; and

WHEREAS, Said Robert Lake claims that he did, in connection with the construction of said cell block and wing, at the request and by the direction of said warden and board of inspectors, perform extra and necessary work, and furnish extra and necessary material, not specified or provided for in said contract, for which he claims he has not been paid, or in any manner compensated, sufficient money not having been appropriated, or provided, for the purpose of defraying the expenses of such claimed extra labor and material; [therefore] therefor

Be it Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and is hereby authorized and directed to investigate and examine said claim or claims, and determine as to the same, and if it shall be made to appear to the satisfaction of said board, that said Robert Lake is entitled to receive from the State, his pay for such extra claimed work and material, that he be paid therefor; and said board is hereby authorized and directed to adjust such claim, or claims, and allow said Robert Lake such sum, or sums, of money as he is justly and legally entitled to receive for such work and materials, furnished and provided by him, not heretofore settled and adjusted, and not included in said contract or agreement. And the Auditor General is hereby authorized and directed to issue his warrant on the State Treasurer in favor of

said Robert Lake, for the amount so audited or allowed by said board of State auditors, payable out of any moneys in the treasury not otherwise appropriated.

This joint resolution is ordered to take immediate effect.

Approved April 28, 1891.

[No. 5.]

JOINT RESOLUTION for the relief of Frank M. Decker, late of Company I, Second Regiment, Michigan State Troops.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors shall investigate the claim of Frank M. Decker for injuries sustained while in discharge of his duties as a private in Company I, Second Regiment, Michigan State Troops, and if said board shall find that any sum should be paid to said Decker, the board is hereby authorized to allow such sum as they may determine, not [to exceed] exceeding two thousand dollars. On such allowance, the Auditor General shall issue his warrant on the State Treasurer in favor of said Frank M. Decker for the amount so audited and allowed, payable out of any money in the State treasury not otherwise appropriated: *Provided,* The claim of said Decker is presented within six months from the time this resolution shall take effect.

Approved May 19, 1891.

[No. 6.]

JOINT RESOLUTION authorizing the board of State auditors to investigate, examine and settle any claim found to be due Josiah W. Begole against the State of Michigan for moneys paid, laid out and expended by him as Governor of the State in the case of *Dullam vs. Wilson*.

WHEREAS, Josiah W. Begole, Governor of the State of Michigan, in the performance of his official duty in one thousand eight hundred and eighty-three sought to remove from his official position one James C. Wilson then holding the office of trustee of the Michigan Institution for the Deaf and Dumb, and instituted proceedings for that purpose; and

WHEREAS, Said Governor Begole expended, paid and laid out for attorney's fees, expenses and costs, certain moneys in the prosecution and proceedings in said cause; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and they are hereby authorized to investigate, examine and settle any claim found to be due said Josiah W. Begole for moneys so paid, laid out and expended by him in the prosecution of the case of *Dullam vs. Wilson*.

This joint resolution is ordered to take immediate effect.

Approved May 19, 1891.

[No. 7.]

JOINT RESOLUTION authorizing the Governor to issue a patent to Ellen C. Lafler, Warren B. Lafler, Phares Lafler, William Lafler, Byron L. Lafler, Schuyler Lafler and Julia A. Holmes, for the southeast quarter of the northeast quarter of section six, town six south, of range seven east, the same being primary school land.

WHEREAS, It appears by satisfactory proof that Warren Lafler, of Dundee, Monroe county, Michigan, who died December eleventh, eighteen hundred eighty-seven, was, at the time of his death, the undisputed holder and owner of primary school land certificate of the State of Michigan, numbered two thousand seven hundred and eleven, for the southeast quarter of the northeast quarter of section six, in town six south, of range seven east; which said certificate was, on the seventh day of April, A. D. eighteen hundred forty-nine, issued by the Commissioner of the State Land Office to John W. Christiancy, and which said certificate, by reason of several assignments, became the property of said Warren Lafler; and

WHEREAS, It appears satisfactorily that Ellen L. Lafler, Warren B. Lafler, Phares Lafler and William Lafler, of Dundee, Monroe county, Michigan, and Byron L. Lafler, of Milan, Monroe county, Michigan, Julia A. Holmes, of Constantine, St. Joseph county, Michigan, and Schuyler Lafler, of Grand Ledge, Michigan, are the heirs at law and all the heirs at law of said Warren Lafler, deceased, who died intestate, and each of whom is of the age of twenty-one years and upwards; and

WHEREAS, The said Warren Lafler, deceased, purchased said certificate in good faith and for a valuable consideration and was in the quiet and peaceable possession and enjoyment of the premises therein described for more than twenty-five years next preceding his death, and had made valuable improvements thereon and had paid all taxes thereon and all interest due to the State; and it further appearing that the said heirs at law of said Warren Lafler, deceased, are equitably entitled to a patent on surrendering said certificate, accompanied by the full payment of the principal and interest due to the State for the same; and

WHEREAS, No patent can issue to the said heirs at law of the said Warren Lafler, deceased, on account of defects and irregularities in an assignment of said certificate by parties who held the same after it was issued to the said John W. Christiancy and before the same was purchased by and assigned to the said Warren Lafler, which said assignment cannot be perfected or corrected in consequence of the death of some of the assignors and their heirs at law, and of the removal of others to parts unknown; therefore

Resolved by the Senate and [the] House of Representatives of the State of Michigan, That the Governor of this State be and he is hereby authorized to sign and cause to be issued to the said Ellen L. Lafler, Warren B. Lafler, Phares Lafler, William Lafler, Byron L. Lafler, Julia A. Holmes and Schuyler Lafler a patent for the land described in said certificate, whenever the same shall be presented to him, with the certificate of the Commissioner of the State Land Office, that the principal

and interest, and all taxes and charges levied upon said land has been paid.

[Ordered to take immediate effect.]

Approved June 8, 1891.

[No. 8.]

JOINT RESOLUTION authorizing the board of State auditors to make certain improvements on certain property owned by the State.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of State auditors be and it is hereby authorized and directed to expend a sum not exceeding two thousand dollars, which is hereby appropriated from the general fund, for making the following improvements upon property owned by the State in the city of Lansing, viz.: The sum of not exceeding one thousand dollars in grading and ornamenting with walks and trees blocks seventy-eight and seventy-nine, and a further sum of not exceeding one thousand dollars for grading and ornamenting with walks and trees block one hundred and twenty-five and the east half of block one hundred and twenty-four, and the board of State auditors is further instructed to reset trees around said blocks from time to time if deemed necessary.

Approved June 12, 1891.

CONCURRENT RESOLUTIONS, 1891.

[No. 1.]

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That our Senators and Representatives in Congress are hereby requested to secure, if possible, an amendment to the Federal Constitution, prohibiting any state from authorizing any lottery, or from permitting the sale of lottery tickets.

Approved February 16, 1891.

[No. 2.]

Be it resolved by the House of Representatives (the Senate concurring), That the Secretary of State be and is hereby directed to compile a complete list of land grants made of the lands in Michigan by the United States government and by this State to railroads, canals and State roads, giving date of grant, amount of land granted, and present status of each grant, also, the relinquishments made by the Governor of Michigan to the United States.

Approved March 5, 1891.

[No. 3.]

WHEREAS, The United States by act of Congress, approved March 2, 1891, entitled "An act to credit and pay to the several states and territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress, approved August 5, 1861, appropriated certain moneys to reimburse each state and territory and the District of Columbia for collections made from said states, territories, and the District of Columbia, or from any of the citizens or inhabitants thereof, or other persons under the act of Congress, approved August 5, 1861, and the amendatory act thereto, and providing for the payment by the treasurer of the United States of said sums upon acceptance by resolution of the legislature of any state or territory of such sums so appropriated upon the trust in said act contained:"

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), That the said sum so appropriated and credited to the State of Michigan, under the provisions of said act, be

and the same is hereby accepted under the trusts imposed by said act in full satisfaction of all claims on the part of the State of Michigan against the United States, on account of the levy and collection of the direct tax imposed by said act, approved August 5, 1861, and the amendatory acts thereto, and the Governor of the State of Michigan is hereby authorized to receive and accept said moneys for the use and purposes aforesaid, and to give full receipt and acquittance on behalf of the State of Michigan of all claims against the United States on account of the levy and collection of said tax, as provided in said act of Congress, and to obligate the State in such form as may be required to faithfully observe and perform the trusts imposed by the provisions of said act as to the disposition of such sums as may have been collected by the United States from any of the citizens or inhabitants of said State, or other persons, either directly or by sale of property, in pursuance to said act.

Approved April 15, 1891.

[No. 4.]

WHEREAS, The Governor of the State of Michigan has received the sum of four hundred and twenty thousand eight hundred and sixty-five dollars and sixty-six cents from the Treasurer of the United States, of moneys appropriated by act of Congress, approved March 2, 1891, to reimburse the State of Michigan for moneys collected from said State by direct tax, under the act of Congress of August 5, 1861, and the amendatory act thereto; therefore

Resolved by the House of Representatives of the State of Michigan (the Senate concurring), that the said sum of four hundred and twenty thousand eight hundred and sixty-five dollars and sixty-six cents so received by the Governor as aforesaid, be deposited in the treasury of the State of Michigan to the credit of the general fund of said State.

Approved May 1, 1891.

[No. 5.]

WHEREAS, The edition of the Legislative Manual for one thousand eight hundred and ninety-one, issued in conformity to law, is inadequate to supply the demand; therefore be it

Resolved by the House (the Senate concurring), that the Secretary of State be and is hereby instructed to have a second edition of two thousand copies printed at as early a date as practicable, to be disposed of as the present Legislature may direct.

Approved May 20, 1891.

[No. 6.]

WHEREAS, Stevens T. Mason, the fourth Governor of the territory

and the first Governor of the State of Michigan, died outside of the State, and his remains have since reposed in the vault of a cemetery, now near the center of the city of New York; and

WHEREAS, Governor Mason's patriotic services to the State, his tireless energy in behalf of her interests, and notably his great services in the establishment and in defending the interests of the State University in its infancy, and in projecting the development of her mineral wealth, and in the maintenance of the integrity of her territory are inseparably connected with the history of the State of Michigan, and are a part of the foundation of her prosperity; and

WHEREAS, It is observed that the authorities of Elmwood cemetery, in the city of Detroit, have tendered for the reception of the remains of Governor Mason a beautiful lot within the limits of Detroit, but the private property of a local corporation; therefore

Resolved (the Senate concurring), That the Legislature of the State of Michigan deems it eminently fitting that the mortal remains of Governor Mason should rest, not only in the soil of the State he loved and served so well, but in ground of the commonwealth;

Resolved, That the representatives of his family be invited to permit his body to be interred in the grounds of the capitol, and that appropriate ground therein be appropriated to properly receive and form its last resting place;

Resolved, That a committee of the Legislature, of which committee the Governor of the State be chairman, be appointed to make known the wishes of the State to the surviving members of the family of Governor Mason, and make suitable arrangements for the reception and disposition of the remains, in accordance with this resolution.

Approved May 28, 1891.

[No. 7.]

WHEREAS, There is a strong demand among the people of the United States for greater uniformity of legislation; and

WHEREAS, Some of the states of the union have appointed commissioners to meet with like commissioners from other states to confer upon the subject of promoting uniformity of legislation in the United States; therefore

Resolved by the House of Representatives (the Senate concurring), That within ten days after the passage of this resolution the Governor of this State shall appoint three commissioners, who are hereby constituted a board of commissioners, by the name and style of "Commissioners for promotion of uniformity of legislation in the United States."

It shall be the duty of said board to examine the subjects of marriage and divorce, insolvency, forms of notarial certificates, acknowledgment and execution of deeds, execution and probate of wills, descent and distribution of property, and other subjects; to ascertain the best means to effect an assimilation and uniformity in the laws of the states, and for that purpose, in their discretion, to meet representatives of other states in convention, to draft uniform laws for submission and adoption by the

several states, and to advise and recommend such other course of action as shall best accomplish the purpose of this resolution.

The said commissioners shall serve without compensation and shall present at the next session of the Legislature of this State, by forms of bills or otherwise, such legislation as they may recommend.

Approved June 5, 1891.

[No. 8.]

WHEREAS, By an act of Congress passed in eighteen hundred and seventy-five certain portions of the Island of Mackinaw were set apart for a national park to be used by the people of this State and the United States; and

WHEREAS, The [said] park between the months of June and October in each year is visited by thousands of people from all parts of the United States; and

WHEREAS, It has been the habit of the United States troops stationed on said island to use a portion of said park for target practice, thereby rendering it unsafe and dangerous to human life, there being three narrow escapes from shooting of civilians within a short time in consequence of said practice; and

WHEREAS, The Secretary of War has ordered the Nineteenth Regiment of U. S. Infantry to said park for target practice, which will render a portion of said park entirely useless for the purposes for which it was set apart, besides making it dangerous to life and property; therefore

Resolved by the House (the Senate concurring), That the Secretary of War be respectfully requested to cause the target practice on said park to be forthwith discontinued;

Resolved, That the Governor be and he is hereby requested to transmit a copy of this resolution to the Secretary of War.

Approved June 8, 1891.

[No. 9.]

CONCURRENT RESOLUTION authorizing the Governor to issue a patent to Claudius Harris for the north part of the east one-third part of the north half of section number sixteen, in town two north, of range eleven east, containing forty acres of land.

WHEREAS, Claudius Harris of the township of Troy, county of Oakland, State of Michigan, has made satisfactory proof that he is the undisputed owner of the land described in primary school land certificate number three hundred forty-six *a*, for the north part of the east one-third part of the north half of section number sixteen, in town two north, of range eleven east, Michigan, which said certificate was on the third day of August, A. D. eighteen hundred thirty-nine, issued by John D. Pierce, the Superintendent of Public Instruction, to Rob-

ert Wattles, who on the twenty-fourth day of September, A. D. eighteen hundred thirty-nine, assigned said certificate by assignment in writing on the back thereof to Harper Wattles and Amasa Wattles, and the said Amasa Wattles died in the year eighteen hundred and thirty-nine without having assigned said certificate and leaving no issue him surviving, and not having been married, and leaving Alexander Wattles, his father, as his sole heir at law, and the said Harper Wattles having assigned his interest in said certificate by assignment in writing on the back thereof, dated March thirty-first, eighteen hundred forty-six, to Alexander Wattles, and the said Alexander Wattles having assigned said certificate by assignment in writing on the back thereof to Chaplin Wattles, and the said Chaplin Wattles having assigned all his right, title and interest in and to eighteen acres of land off the west end of the land described in said certificate to Peter Smith, and all his right, title and interest in and to the remainder of the land described in said certificate to Clark Harris, and the said Peter Smith having assigned his interest in said certificate to said Clark Harris, all said assignments being in writing on the back of said certificate, and the said Clark Harris having conveyed the land described in said certificate by warranty deed dated the sixth day of August, A. D. eighteen hundred seventy-seven, to said Claudius Harris; and

WHEREAS, The said assignments above mentioned were not witnessed or acknowledged; and

WHEREAS, The said Robert Wattles, Harper Wattles, Amasa Wattles, Alexander Wattles, Chaplin Wattles, Peter Smith and Clark Harris are all dead, and the names and residence of many of their heirs at law are unknown, and the said Claudius Harris having owned and occupied the said premises, since the sixth day of August, A. D. eighteen hundred seventy-seven, and the said Clark Harris having owned and occupied the said premises for more than thirty years prior thereto, and made valuable improvements thereon, and the said Claudius Harris having made valuable improvements on said premises in good faith, residing thereon, and believing himself to be the owner of said lands and entitled to a patent therefor on payment of the principal and interest due to the State for the same; and

WHEREAS, The said Claudius Harris has made proof that he is equitably entitled to have a patent issued to him for said land, on payment of the principal and interest due to the State for the same, yet no patent can issue to him on account of the irregularities in the assignments thereof, and which can not be corrected and perfected in consequence of the death of the parties thereto, and the length of time that has elapsed since said assignments were made; therefore

Resolved (the Senate concurring), That the Governor of this State, be and he is hereby authorized and directed to sign and cause to be issued to Claudius Harris, a patent for the land described and embraced in said primary school land certificate, whenever he shall have presented to him the certificate of the Commissioner of the State Land Office that the principal and interest and all taxes and charges levied upon said land have been paid.

Approved June 17, 1891.

[No. 10.]

WHEREAS, The Hon. Edwin B. Winans, Governor of the State of Michigan, did, on the twenty-seventh day of May last, transmit to the Legislature, with a request for favorable consideration, the following communication from Charles R. Whitman, Commissioner of Railroads of this State:

STATE OF MICHIGAN, }
OFFICE OF THE COMMISSIONER OF RAILROADS. }

Hon. Edwin B. Winans, Governor of the State of Michigan:

SIR—From the last published statistics of railways in the United States for the year ending June 30, 1889, it appears that 300 employes were killed and 6,557 injured in that year in coupling and uncoupling cars, being fifty-six per cent of all accidents happening to trainmen. I believe that nearly all these accidents would have been avoided by the adoption and use of uniform automatic couplers for freight cars. In the same year 551 employes were killed, and 2,307 injured by overhead obstructions, or by falling from trains and engines, being 23 per cent of all accidents happening to trainmen. A large proportion of these accidents would have been avoided by the adoption and use of the train brake on freight trains.

At the national convention of railroad commissioners, held at Washington on the third and fourth of March last, a committee was appointed to urge upon Congress as soon as possible, after the opening of its next regular session, the imperative need for action by that body calculated to hasten and insure the equipment of freight cars throughout the country with uniform automatic couplers, and with train brakes, and the equipment of locomotives with driving-wheel brakes, and to present and urge the passage of a bill therefor.

The committee was requested, before presenting the bill to the appropriate congressional committee, after published notice, to give a hearing to accredited representatives of such organizations of railroad officials or employes as might desire to be heard.

In Michigan the importance of this subject, as to couplers, has been recognized by the passage of act number 147, laws of 1885, which provides for the introduction and use on all cars owned and operated by any railroad company, or other corporation doing business in this State, of some form of automatic car coupling, by means of which all cars may be coupled or uncoupled without the necessity of the brakeman, or any other person, passing between the cars. And it is further provided that no freight cars shall be run upon any of the railroads within this State, after the first of January, 1891, unless furnished with safety couplers, as provided by this act.

Experience has demonstrated the utter inefficiency of state legislation to afford adequate protection to trainmen in the performance of their arduous duties. The trainman must work in blinding storms and in darkness. Frequently he cannot know with what sort of coupler the car is equipped, nor the height and position of the coupler. There may be dead-woods extending both above and below the drawheads. A foot slips; he miscalculates, or does not miscalculate, he is gone; or is

a cripple for life. Cars are constructed of different heights; and this evil is increasing. The trainman must run over the unequal tops of these cars to set a brake in the darkness, with some bridge ahead, against which he may be dashed; his only protection some ropes dangling from a cross-bar over the track to notify him of the coming danger; and he may have mounted upon the car between the ropes and the bridge. State legislation is clearly inadequate. The railroads in Michigan must transport cars coming from other states and from other roads. To restrict this would be to paralyze commerce. The railroad companies are powerless to better the situation. It is not so important that a particular type of coupler shall be used, as it is that it shall be a uniform type which may be found upon every car, to whatever road it belongs, and from whatever State it may come.

We may compel the railroad companies doing business in this State to use some approved safety coupler; we may enforce the employment upon their cars of a power brake; but we cannot control the construction and equipment of cars by companies without the State—cars which are necessarily handled by trainmen in Michigan. Statistics, under equal conditions, repeat themselves. There are lives to be lost; accidents to happen, till the evil shall be corrected—an evil which can only be reached by a power which can insure uniformity, from one end of the land to the other, in coupling devices, and in train brakes for freight trains.

I would most earnestly recommend the adoption of a concurrent resolution by the honorable Senate and House of Representatives of this State, urging upon Congress the grave importance of national legislation in the premises.

Very respectfully yours,
CHAS. R. WHITMAN,
Commissioner of Railroads.

Therefore be it resolved by the House of Representatives (the Senate concurring), That the Congress of the United States is hereby earnestly requested to enact such legislation as may be necessary to insure the adoption on all railroads in the United States of automatic couplers and train brakes, or such other legislation as may be necessary to insure the making up and running of trains without compelling railroad employes to enter between or on the tops of cars while the same are in motion;

Resolved further, That the clerks of the two branches of the Legislature forward certified copies of this resolution to all of our Representatives and Senators in Congress.

Approved June 19, 1891.

[No. 11.]

WHEREAS, The Congress of the United States by act of September twenty-eight, one thousand eight hundred fifty, granted to the State of Michigan, among other lands, the northwest quarter of the southeast quarter of section twenty, township seven north, range one west, the same being shown to be swamp land and certified as such by the Surveyor

General under date of March twenty-nine, one thousand eight hundred fifty-two, but not approved and patented to the State until one thousand eight hundred ninety-one; and

WHEREAS, No disposition ever has been made of said tract by the State of Michigan, or could be made until the receipt of patent therefor from the United States; and

WHEREAS, It appears from satisfactory evidence on file in the State Land Office that William Hecht, on the fourteenth day of February, one thousand eight hundred sixty-two, located said tract of land, under a military bounty warrant, at the United States Land Office, and received therefor a certificate of such location; that said Hecht conveyed said described land to Perry St. Clair, by deed dated December twenty-five, one thousand eight hundred sixty-five, and that said St. Clair remained in the quiet possession of said tract and believed that his title was secure until the twenty-fourth day of December, one thousand eight hundred eighty-four, when application was made to the general government for patent, under the terms of the certificate issued to his grantor, Hecht; that upon this application he was notified by the commissioner of the general land office that the tract in question had inured to the State of Michigan, under the swamp land grant, and that the location made by said Hecht was erroneous and thereupon the same was canceled; and

WHEREAS, The said Perry St. Clair has made valuable improvements upon the said tract of land, and has paid taxes and assessments against it for the past twenty-five years, including about five hundred dollars assessed for the purpose of drainage and reclamation; therefore

Resolved by the House of Representatives (the Senate concurring), That the Governor be, and he is hereby authorized and empowered upon certificate of the Commissioner of the State Land Office in the usual form, including the payment of one dollar and twenty-five cents per acre therefor, to issue patent to the said Perry St. Clair for the said northwest quarter of the southeast quarter of section twenty, township seven north, range one west.

This resolution is ordered to take immediate effect.

Approved June 22, 1891.

[No. 12.]

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate and the Clerk of the House of Representatives be and they are hereby directed to compile and prepare for publication, make indexes and superintend the publication of the journals and documents of the present Legislature, and when completed and certified to by the Secretary of State, the Secretary of the Senate shall be entitled to receive the sum of five hundred dollars, and the Clerk of the House of Representatives shall be entitled to and receive the sum of six hundred dollars, the same to be paid on the certificate of the Secretary of State.

Approved June 29, 1891.

[N^o. 13.]

Resolved by the House of Representatives the Senate concurring. That in the volume of the public acts of engrossed ninety-one an engrossment may be obtained of the act* which was passed by the Legislature in House the number two hundred twenty-eight stating that said bill was unanimously reported when presented to the Governor for his signature and that the second act with the same title is the act hereby enacted.

Approved July 3, 1891.

[N^o. 14.]

Resolved by the House the Senate concurring. That the board of state auditors are hereby authorized to audit and allow such claims for transportation and actual assistance as may be verified by the justices of the Supreme Court as having been rendered to said justices during the present year prior to the taking effect of the act authorizing the employment of said assistance and appropriating moneys for the payment thereof. Such sums so audited and allowed to be charged against said fund so appropriated for the year eighteen hundred ninety-one.

Approved July 3, 1891.

NOTE.—The words and sentences marked in brackets in the foregoing acts and resolutions were in the bills and resolutions as passed by the Legislature, but not in the enrolled copy as approved by the Governor. It should however be borne in mind that under a decision of the Supreme Court, 37 Mich., 23, "bracketed words, which were not in the law as approved by the Governor, have no proper place in the statute."

*See act No. 122, p. 234.

AMENDMENT TO THE CONSTITUTION.

Amendment to the constitution proposed by the Legislature of eighteen hundred and ninety-one, and ratified and approved by the people at the April election of eighteen hundred and ninety-one.

ARTICLE IX.

SECTION 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the Attorney General shall receive an annual salary of two thousand five hundred dollars; the Secretary of State shall receive an annual salary of eight hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided.

CERTIFICATE.

MICHIGAN, }
DEPARTMENT OF STATE, } ss.

I, Daniel E. Soper, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State for the present year was July third, one thousand eight hundred and ninety-one.

[L. s.] IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this third day of July, in the year of our Lord one thousand eight hundred and ninety-one.

DANIEL E. SOPER,
Secretary of State.

APPENDIX:

CONTAINING

STATE TREASURER'S ANNUAL REPORT

FOR THE YEAR 1891.

STATE TREASURER'S ANNUAL REPORT.

1891.

TREASURY DEPARTMENT, }
Lansing, July 1, 1891. }

HON. EDWIN B. WINANS, *Governor*:

DEAR SIR—As required by law, I herewith present a report of the financial transactions of this department from July 1, 1890, to June 30, 1891, inclusive, showing the receipts and disbursements to and from the different funds as provided by law.

As given in the last report the balance on hand June 30, 1890, was	\$1,151,259 78
The receipts have been	3,181,308 81
	<hr/>
	\$4,332,568 59
The payments have been	3,107,924 27
	<hr/>
Balance in Treasury June 30, 1891	\$1,224,644 32

Which corresponds with the amount charged to this office on the books of the Auditor General, as appears by his letter.

STATE OF MICHIGAN, }
AUDITOR GENERAL'S OFFICE, }
Lansing, July 1, 1891. }

TO THE HON. FREDERICK BRAASTAD, *State Treasurer, Lansing, Mich.*:

I hereby certify that the cash balance charged to the State Treasurer as being in his hands at the close of business June 30, 1891, was one million two hundred and twenty-four thousand six hundred and forty-four dollars and thirty-two cents (\$1,224,644.32) as appears from the books of this office.

GEO. W. STONE,
Auditor General.

The following statement from the General and Auxiliary Ledgers gives the condition of the several Trust Funds, Sinking Fund, Bond Account, etc.:

Credit—

General Fund.....	\$972,444 04
Agricultural College Interest Fund.....	18,878 89
Normal School Interest Fund.....	968 42
Primary School Interest Fund.....	128,083 54
University Interest Fund.....	29,562 72
Sundry Deposits Account.....	5,499 58
St. Mary's Canal Fund.....	68,927 12
War Fund.....	280 00
	<hr/>
	\$1,224,644 32
	<hr/>

Debit—

Cash on hand.....	\$1,224,644 32
	<hr/>
	\$1,224,644 32
	<hr/>

BONDED DEBT.

The outstanding bonds of this State now are:

Past-due part-paid Five Million Loan Bonds, \$19,000, adjustable at \$558.57 per \$1,000 (not bearing interest).....	\$10,992 83
	<hr/>
	\$10,992 83

TRUST FUND DEBT.

The Trust Fund Debt, composed of balances upon which the State, as trustee, pays interest for educational purposes now is:

Agricultural College Fund.....	\$395,605 73
Normal School Fund.....	64,622 62
Primary School Fund (seven per cent).....	\$3,607,704 14
Primary School Fund (five per cent).....	802,918 91
	<hr/>
	4,410,623 05
University Fund.....	518,218 01
	<hr/>
Aggregate balance of Trust Funds.....	\$5,389,069 41
All of which is respectfully submitted.	

FREDERICK BRAASTAD,
State Treasurer.

The following statements give the receipts and payments in detail:

General Fund.

RECEIPTS.

Balance June 30, 1890.....		\$903,420 60
Taxes, etc.—From Auditor General's Office—		
Tax histories, statements and deeds.....	\$2,716 28	
State tax lands.....	27,282 86	
Redemptions.....	14,788 28	
Delinquent taxes.....	101,927 05	
		146,714 47
From County Treasurers—		
Under old tax law.....	\$29,767 10	
Under new tax law.....	1,261,985 80	
Proceeds of tax sales.....	3,431 19	
		1,295,184 09
Fees, licenses, etc.—		
Adjutant General—		
"Michigan in the War," sale of.....	\$26 00	
Auditor General—		
Plats filed.....	338 00	
Commissioner of Insurance—		
Fees—Co-operative associations.....	1,108 75	
Labor fees.....	10 00	
Penalties paid by insurance companies.....	1,000 00	
Commissioner of State Land Office—		
Plats, etc.....	834 54	
Settlers' licenses.....	68 00	
Governor—		
Fees—Notary public.....	4,227 00	
Pioneer Society of the State of Michigan—		
"Pioneer Collections," sale of.....	69 75	
Secretary of State—		
Certificates and certified copies.....	1,382 71	
Commissions to Commissioners of Deeds.....	108 00	
"Legislative Manuals," sale of.....	10 00	
"Session Laws," sale of.....	81 40	
State Librarian—		
"Michigan Reports," sale of.....	1,372 75	
State Oil Inspector—		
Inspection fees.....	13,566 90	
State Treasurer—		
Fees for copies of records.....	35 75	
Peddlers' licenses.....	2,065 03	
Commissioner of Banking—		
Fees for examining banks.....	4,167 20	
Amount carried forward.....	\$30,471 78	\$2,345,319 16

Amount brought forward	\$30,471 78	\$2,345,319 16
Fees, licenses, etc.—		
Commissioner of Railroads—		
Sale of Compiled Railroad Laws	13 00	30,484 78
Interest—		
Specific taxes	\$6,404 63	
Surplus funds	22,477 20	28,881 83
Refunding—		
Appropriations unexpended		
Michigan School for the Blind	\$5,465 06	
Industrial Home for Girls	3,549 29	9,014 35
School for Deaf	\$2 57	
School for Blind	14 00	
Support of Insane Northern Asylum	10 00	
Incidental expenses of Legislature	14 40	40 97
State lands, purchase of—		
Asylum lands—principal and interest	\$430 52	
Asset lands—principal and interest	88 44	
Salt spring lands—principal and interest	1,449 17	
State building lands—principal and interest	4,316 08	
Five per cent from sale of lands by United States	4,993 79	11,278 00
Miscellaneous—		
Rent of State building lots in Lansing	\$1,954 21	
Taxes on part-paid lands	2,676 85	
Sale of old material	112 23	
Printing election tickets	3,452 09	
From United States Government—		
Under act of Congress—Agricultural College	31,000 00	
Soldiers' Aid	475 02	
Sale of lands adjoining State Prison at Jackson	500 00	
Escheat of deceased person	1 55	40,171 86
United States direct tax refunded	\$420,865 66	420,865 66
Transfers—		
From Agricultural College Fund	\$21,994 89	
From Normal School Fund	662 50	
From Primary School Fund	41,315 21	
From Specific Tax Fund, U. P. Mining Tax	87,426 17	
From Swamp Land Fund	32,391 87	
From University Fund	3,130 16	
Two Million Loan Sinking Fund, premium on U. S. bonds	17,461 25	204,381 55
Total		\$3,080,438 16

APPENDIX.

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General Fund.

DISBURSEMENTS.

Appropriations—

Asylums—

Eastern Asylum for the Insane.....	\$9,375 00	
Michigan Asylum for the Insane.....	11,608 34	
Northern Asylum for the Insane.....	9,529 86	
Asylum for Insane Criminals.....	2,961 44	
Institution for Educating the Deaf and Dumb.....	73,100 00	
Michigan School for the Blind.....	22,906 25	
Michigan Soldiers' Home.....	68,397 50	
		\$197,878 39

Boards, etc.—

Board of Corrections and Charities.....	\$3,637 28	
Board of Fish Commissioners.....	22,552 50	
Board of Geological Survey.....	5,738 93	
Bureau of Labor and Industrial Statistics.....	2,539 83	
State Board of Health.....	5,942 09	
		40,410 63

Colleges and Schools—

Agricultural College.....	\$7,037 50	
Michigan Mining School.....	43,500 00	
State Normal School.....	33,092 50	
State Public School for Dependent Children.....	37,650 00	
University of Michigan.....	117,036 25	
		238,316 25

Prisons and Reformatories—

Michigan State Reform School.....	\$97,750 00	
State House of Correction and Branch of State Prison, U. P.....	13,820 00	
State Industrial Home for Girls.....	35,375 50	
		146,945 50

Miscellaneous—

Commissioner of Mineral Statistics.....	\$2,500 00	
Erecting Monuments on Battle Field of Gettysburg.....	121 20	
Military account.....	61,974 84	
Pioneer Society of the State of Michigan.....	4,000 00	
Publishing names and P. O. address of ex-soldiers in Michigan.....	10 09	
Forestry Commission.....	21 10	
Soldiers' Aid.....	5,250 00	
Soldiers and Sailors' Monument.....	100 00	
State Library.....	1,900 00	
State Teachers' Institutes.....	1,860 00	
Re-compilation of Records in Adjutant General's office.....	3,053 62	
Improving State Property in Lansing.....	830 06	
Industrial Home for discharged prisoners.....	482 12	
Relief and support of E. Murphy.....	300 00	
		82,403 03

Expenses of State Government—

Advisory Board in matter of pardons.....	\$1,371 39	
Agent of State Public School.....	1,581 01	
Agent of State Reform School.....	188 73	
Apprehending escaped convicts.....	719 85	
Care of juvenile offenders.....	8,380 57	
Conveying children to Michigan State Reform School.....	4,448 13	
Conveying children to State Industrial Home for Girls.....	2,120 78	
Conveying convicts to State House of Correction.....	5,183 05	

Amount carried forward \$23,993 51 \$705,953 80

Amount brought forward	\$23,993 51	\$705,953 80
Expenses of State Government—		
Conveying convicts to State Prison.....	3,770 71	
Conveying convicts to State House of Correction and Prison, U. P.	3,279 51	
Judiciary,—Supreme and circuit courts.....	2,846 58	
—Costs of Suits.....	12,198 22	
—State Reporter (incidental expenses).....	152 43	
Game and Fish Warden.....	1,241 89	
General awards of board of State Auditors.....	83,145 08	
Members of boards of State Institutions.....	12,401 53	
Michigan reports.....	412 32	
Paper and stationery.....	22,967 73	
Printing and binding.....	55,396 74	
Return of children from State Public School.....	149 85	
State Board of Visitors to Educational Institutions.....	386 85	
State Live Stock Sanitary Commission and Veterinary Surgeon.....	3,583 57	
State House of Correction (current expenses)	48,000 00	
State Prison (current expenses).....	16,000 00	
State House of Correction and Prison, U. P. (current expenses).....	45,000 00	
Support of female convicts.....	1,303 88	
Support of insane, Eastern Asylum.....	116,732 56	
Support of insane, Michigan Asylum.....	127,133 88	
Support of insane, Northern Asylum.....	95,154 27	
Transfer of convicts (insane).....	518 70	
Transportation of children to State Public School.....	1,569 33	
Medical treatment of children.....	36 81	
		677,375 95
Expenses of State Institutions,—charged back to counties—		
Support of insane, Criminal Asylum.....	\$26,724 63	
Northern Asylum for the Insane.....	1,840 61	
Institution for educating the Deaf and Dumb.....	4,304 88	
Michigan School for the Blind.....	1,146 15	
		34,016 27
Salaries—		
State Officers, Clerks, and Judges of Courts.....	\$282,911 18	
Military department,—(charged back to Military ac- count).....	2,749 99	
		285,661 17
Taxes—		
Advertising sales of forfeited lands.....	\$9 43	
Expenses of sales and collecting delinquent State tax..	31,839 60	
Fund for counties (old tax law), paid county treasurers..	505 84	
Sundry counties (new tax law), paid county treasurers..	134,192 18	
Refunding,—Taxes, etc., Auditor General's office.....	16,915 99	
—peddling license, (S. T.).....	1 25	
—settler's license (L. O.).....	2 00	
Relief of Patrick Mulcrone (J. R.).....	141 96	
Robt. Lake (J. R.).....	5,443 10	
		189,051 35
Miscellaneous—		
Coroners' fees.....	\$3,259 25	
Supervisors' appraisals.....	14 21	
Wolf Bounties.....	5 00	
State Banking Department, salaries of commissioner and clerks.....	5,500 00	
State Banking Department, expenses.....	2,216 46	
Howell's Compilation.....	31,000 00	
Amount carried forward	\$41,994 92	\$1,892,058 54

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Amount brought forward	\$41,994 92	\$1,892,058 54
Miscellaneous—		
Printing election tickets	2,200 00	
Agricultural College from U. S. Government	31,000 00	
Michigan Board of Pharmacy	1,000 00	
		76,194 92
Legislature—		
Per diem and mileage	\$108,241 50	
Incidental expenses	12,551 08	
Stationery and postage	3,073 88	
		123,866 46
Payment of troops in aid of civil authorities	\$410 13	
		410 13
Transfer—		
To swamp land fund	\$25,464 07	
		25,464 07
Balance		972,444 04
Total		\$3,090,438 16

Specific Tax Fund.

RECEIPTS.

Taxes—		
From boiler inspection insurance companies.....	\$429 60	
From express companies.....	3,341 53	
From fire insurance companies.....	111,697 32	
From freight, sleeping and palace car companies.....	478 75	
From guarantee insurance companies.....	1,043 77	
From life insurance companies.....	59,235 50	
From mining companies.....	87,520 39	
From plank and gravel road companies.....	990 07	
From plate glass insurance companies.....	262 43	
From railroad companies.....	778,493 91	
From river improvement companies.....	1,977 20	
From telegraph companies.....	9,726 02	
From telephone companies.....	13,359 18	
Detroit Depot & Station Co.....	3,193 81	
Total.....		<u>\$1,071,749 48</u>

Agricultural College Fund.

RECEIPTS.

From sale of lands	\$21,994 89	
		<u>\$21,994 89</u>

Normal School Fund.

RECEIPTS.

From sale of lands.....	\$662 50	
		<u>\$662 50</u>

Primary School Fund.

RECEIPTS.

From sale of lands.....	\$41,305 21	
		<u>\$41,305 21</u>

University Fund.

RECEIPTS.

From sale of lands.....	\$3,130 16	
		<u>\$3,130 16</u>

Agricultural College Interest Fund.

RECEIPTS.

Balance, June 30, 1890.....		\$10,645 27
Interest on Lands.....	\$7,219 39	
Trespass collections.....	513 44	
		<u>7,732 83</u>
Transfer from Specific Tax Fund.....		<u>27,197 89</u>
Total.....		<u>\$45,575 99</u>

Specific Tax Fund.

DISBURSEMENTS.

Transfers—	
To Agricultural College Interest Fund.....	\$27,197 89
To General Fund—Upper Peninsula Mining Tax.....	87,426 17
To Normal School Interest Fund.....	3,858 93
To Primary School Interest Fund, 7 per cent.....	250,489 74
To Primary School Interest Fund, 5 per cent.....	33,839 66
To Primary School Interest Fund, Surplus.....	625,399 30
To University Interest Fund.....	36,161 40
Refunding Jersey City Insurance Co.....	84 78
Two Million Loan Sinking Fund.....	1,291 61

Total.....	<u>\$1,071,749 48</u>
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Agricultural College Fund.

DISBURSEMENTS.

Transfer to General Fund.....	\$21,994 89	
	<u> </u>	<u>\$21,994 89</u>

Normal School Fund.

DISBURSEMENTS.

Transfer to General Fund.....	\$662 50	
	<u> </u>	<u>\$662 50</u>

Primary School Fund.

Advertising forfeited lands.....	\$70 06	
Supervisor's appraisals.....	101 72	
Treasurer of Agricultural College.....	26,516 92	
Refunded.....	8 40	
	<u> </u>	<u>\$26,697 10</u>
Balance June 30, 1891.....		18,878 89
Total.....		<u>\$45,575 99</u>

Normal School Interest Fund.

RECEIPTS.

Balance June 30, 1890.....		\$1 41
Interest on Lands.....	\$376 08	
		376 08
Transfer from Specific Tax Fund.....		3,858 93
Total.....		<u>\$4,236 42</u>

Primary School Interest Fund.

RECEIPTS.

Balance June 30, 1890.....		\$113,870 95
Interest on lands.....	\$14,818 06	
Trespass collections.....	1,678 00	
		16,496 06
Transfer from Specific Tax Fund.....		915,728 70
Total.....		<u>\$1,046,095 71</u>

St. Mary's Canal Fund.

RECEIPTS.

Balance June 30, 1890.....		\$68,927 12
Total.....		<u>\$68,927 12</u>

Two Million Loan Sinking Fund.

RECEIPTS.

Balance June 30, 1890.....		\$38,461 25
Transfer from Specific Tax Fund.....		1,291 61
Total.....		<u>\$39,752 86</u>

Swamp Land Fund.

RECEIPTS.

Interest on lands.....	\$930 62	
Sale of lands, cash.....	5,188 02	
Sale of lands, Swamp Land Warrants.....	25,062 73	
Trespass collections.....	1,210 00	
		\$32,391 37
Transfers from General Fund.....		25,464 07
Total.....		<u>\$57,855 44</u>

Normal School Interest Fund.

DISBURSEMENTS.

Advertising forfeited lands.....	\$1 00	
Treasurer of Normal School.....	3,267 00	
		\$3,268 00
Balance June 30, 1891.....		968 42
Total.....		<u>\$4,236 42</u>

Primary School Interest Fund.

DISBURSEMENTS.

Advertising forfeited lands.....	\$144 54	
Apportionment to counties.....	916,589 85	
Supervisors' appraisals.....	250 19	
Refunding.....	1,027 59	
		\$918,012 17
Balance June 30, 1891.....		128,083 54
Total.....		<u>\$1,046,095 71</u>

St. Mary's Canal Fund.

DISBURSEMENTS.

Balance June 30, 1891.....	\$68,927 12
Total.....	<u>\$68,927 12</u>

Two Million Loan Sinking Fund.

DISBURSEMENTS.

Transfer to General Fund.....	\$17,461 25
Transfer to War Fund.....	1,291 61
War Bounty Loan Bonds paid.....	21,000 00
Total.....	<u>\$39,752 86</u>

Swamp Land Fund.

DISBURSEMENTS.

Expense examining lands and roads.....	\$122 00	
Supervisors' appraisals.....	54 13	
Advertising forfeited lands.....	79 77	
Salary Secretary of Board.....	50 00	
Swamp Land Warrants.....	25,062 73	
Refunding.....	95 44	
		\$25,464 07
Transfer to General Fund.....		32,391 37
Total.....		<u>\$37,855 44</u>

Sundry Deposits Account.

RECEIPTS.

Balance June 30, 1890.....		\$5,390 10
Certificate of deposit for outstanding checks.....	\$349 48	
		<u>349 48</u>
Total.....		<u>\$5,739 58</u>

War Fund.

RECEIPTS.

Transfer from Two Million Loan Sinking Fund.....		\$1,291 61
Total.....		<u>\$1,291 61</u>

University Interest Fund.

RECEIPTS.

Balance June 30, 1890.....		\$10,819 69
Interest on lands.....	\$2,474 74	
		<u>2,474 74</u>
Transfer from Specific Tax Fund.....		36,161 40
Total		<u>\$49,455 83</u>

Sundry Deposits Account.

DISBURSEMENTS.

Deposit for Primary School Land refunded.....	\$240 00
Balance June 30, 1891.....	5,499 58
Total.....	<u>\$5,739 58</u>

War Fund.

DISBURSEMENTS.

Balance June 30, 1890.....	\$276 61
Coupons, War Bounty Loan Bonds.....	735 00
Balance June 30, 1890.....	280 00
Total.....	<u>\$1,291 61</u>

University Interest Fund.

DISBURSEMENTS.

Advertising forfeited lands.....	\$9 10
Supervisors' appraisals.....	6 00
Treasurer of University of Michigan.....	19,878 00
Balance June 30, 1891.....	<u>\$19,893 10</u>
Total.....	<u>29,562 73</u>
	<u>\$49,455 83</u>

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TO THE
PUBLIC ACTS
OF THE
STATE OF MICHIGAN

ENACTED BY THE LEGISLATURE OF 1891 WITH REFERENCES
TO THE LAWS OF 1883, 1885, 1887 AND 1889 AFFECTED
THEREBY, AND TO SECTIONS AND CHAPTERS OF

HOWELL'S ANNOTATED STATUTES

VOLUMES 1, 2 AND 3, AMENDED OR REPEALED

Prepared and published under the supervision of the Secretary of State, in
compliance with Act No. 87, Public Acts of 1885



BY AUTHORITY

LANSING
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS
1891

INDEX TO PUBLIC ACTS OF 1891.

The abbreviations used in the following pages of this index are: *ch*, chapter; *r*, repealed; *s*, superseded. Where lines are indented it indicates that there should be a repetition of the first words of the first full line immediately above the indented line, or that the matter of the indented line relates to the same subject, as will be readily apparent to the reader.

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* This act repeals or modifies in part chapters 44, 45 and 50, How. An. Stat.

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*This was probably meant to refer to the county board of examiners, and the papers should be filed with the county commissioner of schools.

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